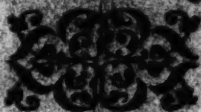


AN *general*
EXPOSITION
OF CERTAINE
difficult and obscure

words, and Termes of
the Lawes of this
Realme.

Newly amended and augmented, both
in French and English, for the helpe
of such young Students as are
desirous to attaine to
the knowledge of
the same.

By John Gastell



LONDON,
Printed for the Companie of
Stationers. 1618.

Cum Privilegio.

119E
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EXPOSITION OF CERTAIN

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work and of the

Very much of the

Rec. Apr. 3, 1982



Printed for the
Company
1812

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Abatement en terres	1 b	An, cour, & wall	3100	3100
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133. g	¶	154. a	¶	174. b
133. h	¶	154. b	¶	174. b
133. i	¶	155. b	¶	174. b
133. j	¶		¶	175. a
133. k	¶		¶	175. a
133. l	¶		¶	175. a
133. m	¶		¶	175. a
133. n	¶		¶	175. a
133. o	¶		¶	175. a
133. p	¶		¶	175. a
133. q	¶		¶	175. a
133. r	¶		¶	175. a
133. s	¶		¶	175. a
133. t	¶		¶	175. a
133. u	¶		¶	175. a
133. v	¶		¶	175. a
133. w	¶		¶	175. a
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FINIS.

Termes of the Law. Fol. i.

Abatement of a Writ or Plaint.

A Batement of a Writ
or Plaint, is when
an actiō is brought
by writ or plaint,
wherein is lacke of
sufficient and good matter,
or else the matter alleg-
ged is not certainly set
downe, or if the plaintife
or defendand, or place, are
misnamed, or if there ap-
peare variance betweene
the writ and the specialtie,
or record, or that the writ
or the declaration bee un-
certaine, or for death of
the plaintife or defendand,
and for diuers other like
causes, then vpon those
defaults, the defendaunt
may pray that the writ or
plaint may abate, that is
to say, that the plaintifes
suit against him may cease
for that time, and that
hee shall begin againe his
suite, and bring a new
writ or plaint, if hee bee
so disposed to dor. But
if the defendaunt in any
action pleade a matter in
barre, for to aduall the

Abatement de brieve ou Plaint.

A Batement de brieve
ou plaint, est quā
vn action est port-
e par brieve ou plaint,
en que fault suffi-
cient & bone matter,
ou autrement le matter
allege n'est certainement
allege, ou si le plain-
tise ou defendant, ou
lieu, sont misnomme, ou
si la appeare variance per-
renter le brieve & le spe-
cialtie, ou recorde, ou
que le brieve ou declara-
tion sont vnterteine, ou
pur mort del plaintise ou
defendand, & pur diuers
autres semblable causes,
dōques sur ceux defaults,
le defendant poit prie que
le brieve ou plaint abate-
ra, cest adire, que le suit
del plaintise ceuera. Iluy
cessera pur cest temps, &
que il commencera au-
rer temps son suit, & port-
vn nouel brieve ou plaint,
sil soit ainsi dispose a
faire. Mes si le def. en ac-
cun action pleade vn mat-
ter en barre pur aduallier de
action

action a tous iours, il ne
viendra apres a pled in a-
barement de brieve, mes si
aps il appiert in le Record
que est alc' mat' apparant
pur que le brieve doit esti
abaf, donque le defon af-
cun auter perlon, vt ami-
cus curia poit bien plede
& monst' ceo in arrest de
iudgement.

Vies les titles de brieve,
Misnosme, & variance en
les abridgements, & le li-
uer appel de Digests del
brieves, in quest est fort bn
entreat especialment de
ceux maters.

action for ever, he shall not
come afterwards to plede
in abatement of the writ,
but if after it appeere in the
record, that there is some
matter apparant, for the
which the writ ought to be
abated, then the def. or any
person as a friend to the court
may well plede & shew this
in arrest of iudgement.

See the titles of writs,
Misnomer and Variance
in the Abridgements, and
the booke called the Digests
of writs, in which it is very
well entreated, especially
of these matters.

Fault de sufficient ou bone matter.

Le matter nest certainement alledge.

Plaintife,

Defendant

ou lieu

Misnosme.

Causes de
Abatement
de brieve
ou pleint.

variance enter

uncerteintie del

Mort

Brieve,

Specialtie,

ou Record.

Brieve,

Count,

ou declaration.

Plaintife, ou

Defendant,

Abatement en terres.

Abatement en terres ou
tenus est quant vn hōc

Abatement in lands.

Abatement in lands of fei-
nements is when a man

dieth

Termes of the Law.

dieth seised of lands oz tenements, & one that hath no right entreteth into the same lands oz tenements befoze the heire maketh his entry this entrie of him is called an abatement, & hee an Abator. But if the heire enter first after the death of his ancestoz, and the other enter vpon the possession of the heire, this entry of him is a disseisin to the heire. Look in the book of entries fol. 63. c. & 205. D. & 519. s. where this word Abatement is called in latin, Intrusio. And I think it better to call it in latin Interpositio, oz Intratio p interpositionem, to make a difference betwene this word and intrusion after the death of the tenant for life.

3 **Abbot.**
A Bbot, was the souereign head, oz chiefe of those houses, which when they first were called Abbeyes and this Abbot together with the monkes of the same house, who were called the couent made a corporation: such a soueraine of any such house shall not be charged by the act of his predecessoz,

morust seise de terres ou tenens, & vn que n'ad droit entra in mesmes les terres ou tenements deuant que le heire fait son entry, cest entry de luy est appel vn abatement, & il vn abator. Mes si le heire enter premier apres le mort de son ancestoz, & le autre entrer sur le possession del heire, cest entry d luy est vn disseisin al heire. Vide liuer deniries fol. 36. c. & 205. d. & 519. e. lou cest abatement est appell en Latin *Intrusio*. Et ieo entend destre melius d appeller ceo in latin *Interpositio*, ou *Intratio per interpositionem*, de faire difference enter ceo & intrusion puis mort tenant pur vie.

Abbe:
A Bbe fuit le Soueraigne teste ou principall de ceux measons, queux qu'as ils fues, fueront appel Abbeys, & ce abbe ensemble oue les Moygnes de m le meason, quux fues appel le couent, liere vn corps, & tiel soueraign d ascun tiel measo ne serz charge per act de son predecessour,

The Exposition of

filas fois per comō seale,
ou par quel chose que viē
al vie d son meison Auxy
vs. Abbe ne sera charge
pur le det in que son cō-
moigne fuit in det deuant
son ent in religion mesq;
le creditor ad de ceo vs
especialy, sinon que il a
uait deuenus al vie de son
meison: Mes les execu-
tors del commoigne sera
charge que ceo.

Vide pur ceo en le A-
bridgements mesme title,
de louch quel veies comēt
alcuns de ceux fuerēt ele-
ctiue, aucun prelatiue, Et
comment fueront perfect, &
leur authorite. Et en cel
title sont auxy compre-
hend tous auters Corpora-
tions spiritual, cōe prior
& son Couent, Frieres &
Canons, Deane & Chap-
ses.

Abbeators. A
Abbeators sont in diuers
cases diuersement prise:
yn kind de abbeators sont
ceux q malicieusement sans
droitur cause ou desert,
procure auters de luer faux
appeales de murder ou so-
lony enuerthames al en-
tenti de troubler & greuer

if it be not by common seale,
or for such thinges which
commeth to the life of his
house. Also an Abbot shall
not be charged for the debt
of his Monke before his
entrie in religion, though
the creditor hath an espe-
cialtie thereof: except that
it hath come to the life of
his house: But the execu-
tors of the Monks shall be
charged therewith.

Looke for this in the A-
bridgements the same ti-
tle, under which you shall
see that some of them were
electiue, some prelatiue
And how they were made
gouernours, and their au-
thoritie. And in this title
are also comprehended all
other Corporations spiri-
tual, as Prior and his Co-
uent, Friars and Canons,
Deane and Chapter.

Abbeators. A
Abbeators are in diuers
cases diuersly taken:
one kind of Abbeators are
they that maliciously with-
out iust cause or desert, do
procure other to sue false
appeals of murder or so-
lonie against men to the
intent to trouble & grieve
them.

the; and to bring them to
infamy and slander. The
bettoys in murders are
those that command, pro-
cure, counsel, or comfort
others to murder. And in
some case such abettors
shall be taken as princi-
pals, in some case but as
accessories. And in other
cases. And their pre-
sence at the deed doing, and
their absence maketh a dif-
ference in the case. There
are abettors also in trea-
son, but they are in case as
principals, say in treason
there are no accessories.
Take more in the booke
called the Pleas of the
Crown, made by the right
honourable Judge Sir
William Staunford, in the titles of
Accessories, and Damna-
ges in appeal.
A Beilance is when a lease
is made for term of life,
the remainder to the right
heir of J. S. which J.
S. is living at the time of
grant, now by this grant
the remainder passeth from
the grantour presently,
yet it besteth not present-

ment, et par fait euz en in-
famy & slander. Abbet-
toys en murders sont ceux
que command, procure,
counsel, ou comfort au-
tres de murder. En quel-
ques casuel abettors seront
prises come principals, &
en aucun cas foris, come
accessories: Il y en a d'au-
tres felonies. Et leur presen-
ce a l'oeuvre fait, & leur ab-
sence de la faire va diffé-
rence en le case. Il y ad ab-
betors aux en Treason, mes-
is sont en cas come prin-
cipals, car on treason il n'y
ad aucun accessories.
Veies plus de ceo en le
heur appelle les Pleas del
Crown, compile per le
tresreuerend ludge Sir W.
Staunford, en les titres de
Accessories, & Damna-
ges en appeal.
A Beilance est qu'une vi-
leas est fait pur terme
de vie; le remainder al
droit heirs de J. S. le quel
J. S. est en vie al temps del
grant, ore per cest grant
le remainder passa hors
del grantour maintenant,
encore il ne vesta main-
tenant.

The Exposition of

si laq loie par comō seale, if it be not by cōmō seale, qz loz such thinges which al vie d son meason Auxy commeth to the vie of his yn Abbe ne serra charge house. Also an Abbot shal pur le det in que son cō not be charged for the debte moigne fuit in det deuant of his Monke before his son entri in religion, mesq entre in religion, though le creditor ad de ceo yn the creditor, haue an espee specialty, sinon que il a rialtie therof; except that uoit deuenus al vie de son it haue come to the vie of meason: Mes les execu- his house: But the execu- tors del commoigne serra tors of the Monks shal be charge que ceo. charged there with.

Vide pur ceo en la A- Look for this in the bridgements mesme title, bridgements the same ti- de souh quel veia comēt tie, under which you shal aluns de ceux fuerōt ele- see that some of hem were ctive, ascun prelatiue, & electiue, some prelatiue Et coment fueront perfect, & And how they were made Jour a thorite. Et en cel gouvernors, and their au- title sont auxy compre- thorite. And in this title hend tous autres Corpora- are also comprehended: all- rations spiritual, cōe prior- other Corporations spiri- & son Couent, Frieres & tual, as Prior and his Co- Canons, Deane & Chap- uent, Friers and Canons, ser Abbettors. Deane and Chapter.

Abbettors sont in diuers A Abbettors are in diuers casen diuersemēt prise: casen diuersly taken: yn kind de abbettors sont one kind of Abbettors are ceux q maliciousmēt sans they that maliciously with droitur cause ou desert, out iust cause or desert do procuf auters de luer faux procure other to sue fals appelles de murder ou so- appals of murder or so- lony enuerthomes al en- lony againts men to the tent de troubler & greier intent to trouble & greue them.

them; and to bring them to
infamy and slander. The
abettors in murders are
those that command, pro-
cure, counsel, or comfort
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some case such abettors
shall be taken as princi-
pals, in some case but as
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sence at the deed doing, and
their absence maketh a dif-
ference in the case. There
are abettors also in trea-
son, but they are in case as
principals, say in treason
there are no such abettors.

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a le deole fait, & leur ab-
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rence en le case. Il y ad ab-
betors aux en Treason, mes
ils sont en cas come prin-
cipals, car on treason il y
ad aucun accessories.

Voies plains de ceo en le
liure appelle les Pleas del
Crown, compile per le
tresreuerend Iudge Sir W.
Staunford, en les titles de
Accessories, & Damna-
ges en appeal.

Abeilance,
A Beilance est qu'une vn
leas est fait pur terme
de vie, le remainder al
droit heires de A. S. lequel
A. S. est en vie al temps del
grant, ore per cest grant
le remainder passa hors
del grantour maintenant,
encore il ne verra main-
tenant,

The Exposition of

renauer ne prist effect en ly, nor taketh hold in the
 le grauntes, cest adire le graunter, that is to say, the
 droit heire de l. S. mes est dit right heire of J. S. but is
 destre en abeyance, ou cõe said to bee in abeyance,
 les Logiciens appelle ceo or else as the Logicians
 in potentia, ou in intel- terme it in power, or in
 lectu & come nous dis- vnderstanding, and as we
 mus in nubibus, cest assa- say in the cloudes, that is
 uoir, en le consideration to wit, in the consideration
 de le ley, Que si l. S. mo- of the Law, That if J.
 rust eyant vn droit heire S. die having a right
 en vie, & vivant le lessce heire, a living the lessce for
 pur vie, donques ceo est life, then this is a good re-
 vn bone remainder, & a mainder, & now besteth
 ore vesta & vient en le dit commeth into the right
 droit heir, en tiel sort que heire in such sort, as that
 il poit graunt, forfait, ou he may graunt, forfeit, or
 autrement dispose ceo, & otherwise dispose & some
 cessa destre ore en abey- and cealeth to be any more
 ance, pur ceo que il est vn in abeyance, for that there
 a ore de abilitie pur pren- is one now of abilitie to
 der ceo, pur c' que l. S. est take it, because that J. S.
 mort & ad relinquishe vn is dead, & hath left a right
 droit heire en vie, le quel heire in life, which could
 ne poit estre vivat l. S. car not be living J. S. for that
 durât son vie nul poit p- during his life none could
 perment estre dit son heir. property be said his heire.
 Itē si vn home soit patron Also if a man be patron of
 dun esglise, & present au- a Church, & presenteth one
 ter a ceo, Ore est le seede to the same. Now is the se-
 terres ou tenements per- of the lands and tenements
 teignant al rectorie en le pertaining to the rectorie in
 parson, mes si le parson the parson, but if the par-
 morust & le esglise est de- son die and the Church in-
 uenus void, donques est le become void, then is the
 see en abeyance, tanque see in abeyance, until
 there

Termes of the Law.

there be a new Parson presented, admitted, and inducted, for the Patron hath not the fee, but onely the right to present, and the fee is in the Incumbent that is presented, and after his death, it is in no bodie but in abeyance, till there be a new incumbent as is answaid.

See Lit his 3. booke cap. 11. fol. 145. & Park. fol. 12.

Abisherling.

A Bisherling (& in some copies Misherling) that is to be quit of amerzement before whome soever of transgression proved.

Abiuration.

A Biuration is an oath that a man or woman shall take when they haue committed felony, and fly to the Church or churchyard, or to any other place pretended for sauergarde of their liues, chusing rather perpetuall banishment out of the Realme, then to stand to the law, & to be tried of the felony, in which case before the Coroner he shall make such confession, which may make a sufficient iudice.

il soyt vn nouel Parson sient admit & induit, car le Patron nade le fee, mes solement le droit de presenter, & le fee est in le incumbent, que est present, & puis son mort, il nest en asc' mes en abeyance, tant que il soit vn nouel incumbent come est auant dit.

Veyes Lit lib. 3. cap. 11. fol. 145. & Park. fol. 12.

Abisherling.

A Bisherling, (& in some copies Misherling) hoc est quicq' esse de amerciamenis corā quibuscunq; de transgression probata.

Abiuration.

A Biuration est vn serement, q' home ou feme preignout quant ils ont commise felonie, & fue at Esglise ou cemitorie, ou auter lieu priuiledge, par tuitio de lour vyes eslisant pluistost ppetual banishment hors de Realm, que a estoier a le ley, & de iudic' del felony. En cel case deuant le Coroner il fera tel confession que, puis

The Exposition of

meurde felonie; donques
le Coroner al common
ley luy fera de abiure la
Realme, & assignera a luy
arquel Port il alera; &
luy iura que il ne va
hors del hault chymyn,
et que il ne demorra a
le port; (si il poye auer
bon passage) forsque vn
flood & vn ebbe, & si
il ne poye auer passage,
que il alera chescun iour
duraunt xl. iours en le
mere a son genu. Mes
si il se felon que abiure
als hors de la chymyn,
et sua a auer lieu, si il
sais prise, il terra amesme
deuiner le iudge; & la
auera iudgement de stre
pendus. Mes si que issint
par la priuiledge ne voile
abiure, donques il auera
la priuiledge pur xl. iours;
& chescun poye luy do-
ner viand. Mes si aucun
done luy vyand apres xl.
iours, meisme il soit sa
feme, quel donec est fe-
lonie. Mais cestuy que
abiure iura deliuer per
un Contable al au-
ter; & de un franchise
al autre, ranque il vi-
ue a son port, & si le

ment of felonie; then the
Coroner at the common
law shall make him to
swear the Realme, & he
assigne him to what Port
he shall go, and that he
shall not abide at the port
the high way, and that he
should not abide at the port
(if hee may haue good pas-
sage) but one flood and one
ebb, and if he cannot haue
passage, then hee shall go
every day during xl. dayes
in þ sea to the knees. But
if such a felon as abiure
go out of the high way, and
speaketh to another place,
hee be taken, hee shall be
brought before the iudge,
& there shall haue iudgement
to be hangid. But if he
which so prayeth the pri-
uiledge will not abiure, then
he shall haue the priuiledge
for xl. dayes, and every man
may giue him meate and
drinke. But if any giue him
sustenance after xl. dayes,
although it bee his wife,
such giuing is felony. But
he that doth abiure shall be
deliuered from one Com-
table to another, and from
one franchise to another.

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and if the Constable will not receive him, he shall be grievously amerced. Take the oath in the Treatise de Abiuratione Latronum.

And this law was instituted by S. Edward the Confessor, a King of this Realme before the Conquest, and was grounded upon the law of mercy, and for the love and reverence no doubt that he and other his successors did beare unto the house of God, or place of prayer and administration of his word and sacraments, which we call the Church. Note, this law is now changed by the statutes 21. H. 8. cap. 2. 22. H. 8. cap. 14. and 32. H. 8. cap. 12. by which it appeareth, that hee at this day shall not obtaine the Realme, but all his libertie of this Realme, and all his liberal and free habitations, resorts, and passages from all places of this Realme, to one certaine place in this Realme there to limited by 32. H. 8. cap. 13. & 33. H. 8. cap. 15. Take note in Stamf. libr. 2. cap. 10.

Cōstable ne voit rescieue luy, il serra greueusement amercie. Vide iuramentum in tractatu de abiuratione Latronum.

Et cest ley fuit instituee par S. Edward le Confessor, vn Roy de cest Realm deuant le Conquest, & fuit ground de le ley de mercie, & pur le amour & reuerence, sans doubte, que il & anters ses successors porteront al meason de Dieu, ou lieu de priers & administration de son parol & Sacraments, le quel nous appelomus Esglise. Nota cel ley est ore changee p Statutes 21. H. 8. cap. 1. 22. H. 8. Cap. 14. & 32. H. 8. cap. 12. per queux appiert, que il a cel iour ne abiurera le Realme, eins tout son liberte de cest Realme, & tout son liberal & franke habitations, resorts & passages de tous lieux de cest Realme, a vn certaine lieu en cel realm a ceo limited per 32. H. 8. cap. 13. & 33. H. 8. cap. 15. Vide plus inde Stamf. libr. 2. cap. 10.

The exposition of

8 Abridgement de plaint ou demaund. Abridgement of a plaint or demaund.

A Bridgemēt de plaint ou demand est lou vn port vn Assise, brieve de dower, brieve de gard, ou tiel semblables, en qux cases pū ceo que le brieve de Assise est, de libero tenemento, come en brieve de dower, le brieve est Rationabilem dotem quæ eam contingit de libero tenemento W. son baron. Et en vn brieve de gard, le brief est Custod terrarum & heredis &c. sans monstre aucun aut certaintie en les briefes; mes en le plaint del assise ou demaund en le brieve de dower, & en le count en brief de gard, le plaigne ou demaundant monstra le certaintie des acres, ou parcell de terre, la si le tenaunt plede Nōtenure, ou lointenance ou aucun auxer tiel semblable plede a parcell del terre demaund, en abatemēt del brieve, douques le plaigne ou demaundant poit abridger son plaint, ou demaund al cest parcell, cēadire, il poit

A Bridgement of a plaint or demaund, is where one bringeth an Assise, writ of Dower, writ of ward, or such like, in which cases for that the writ of Assise is, de libero tenemento, as in a writ of dower, the writ is, Rationabilem dotem quæ eam contingit de libero tenemento to W. her husband. And in a writ of ward the writ is, Custod terrarū & heredis, &c. without shewing any certaintie in the writs: but in the plaint of the assise, or demaund in the writ of dower, and in the count in the writ of ward, the plaintife or demandor is to shew the certaintie of acres, or parcell of land: then if the tenant pleade Nōtenure, or lointenance, or some other such like plede to parcell of the land demaunded in abatement of the writ, then the plaintife or demandor may abridge his plaint, or demaund to that parcell: this is to say, hee may

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Termes of the Law.

leane out that part, & pray omit hors cest pr, & prie
that the teneant shall an- que le tenant respōdra al
swer the rest, to which he rest a que il ne ad vncore
hath not yet payed any plede alch chose. Le cause
thing. The cause is for est pur ceo que en tiel
that in such wyse the cer- briefes le certainie nest
tainie is not set downe, mis, mes est generalmēt:
but is generally: and not- & niēt obstant le deman-
withstanding the deman- dāt ad abridge son plaint
dant hath abridged his ou demanda en part, vn-
plaint or demanda in part, core le brieve demurre bō
yet the writ remaineth pur le residue,
good still for the rest.

9 Accedas ad Curiam.

Accedas ad Curiam.

Accedas ad Curiam, is a writ directed to the
Sheriffe, commanding luy commandant de aler
him to goe to such a Court a tiel court dascun Seig-
of some Lord or franchise, niour ou franchise, lou yn
where a plaint is sued for plaint ē sue pur prisel del
taking of beastes as a di- auers come distresse, ou
stresse, or any false iudge- ascul faux iudgement est
ment is supposed to bee suppose d'ele fait en ascul
made in any suite which suit que fait en tiel court,
hath been in such a Court, quel nest court de record,
which is not a Court of & que le Vieont la fert re-
record, and that the Shif- cord del dit suite en pre-
riffe shall there make re- sence del suitors de mesm
cord of the said suit in pre- le court, & de quatuor au-
sence of the suitors of the ters Chiualers de le coun-
same Court, and of soore tie, & ceo record certifi-
other Knights of the era al Court le Roy, & a
County, and certifie it into cel iour quel est assign en
the Kings Court, and at le brieve
that day that is limited in
the writ.

B a

10 Ac-

The exposition of

Acceptance.

10

Acceptance.

A Cceptance est vn pré-
drans en bon gree, &
come vn agreement al af-
cun chose fait deuant, le
quel puit auer este vnfait
& auoide (sitiel accepta-
ce nad estre) per luy ou ceux
que issint accepta, si come
pur exemple: si vn Euesq;
deuant statute fait anno
primo Elizabeth leste
terre part del possessions
de son Eueschery pur ans
reseruant rent & morust,
& puis vn autre est fait E-
uesque, le quel accepta,
cest adire, prist ou receine
le rent quant il est due &
doit estre pay, ore per cest
acceptance le lease est fait
perfect & bon, le quel au-
terment le nouel Euesque
poit assers bien auoide &
faire frustrate.

Semblable ley est, si vn
home & sa feme seisi de fe-
res en droit del feme ioy-
& font lease ou feoffemēt
per fait reseruant rent, &
le baron morust, el accep-
ta ou receiua le rent, per
cel le feoffement ou lease
est fait perfect & bon, &
serra barre a luy de porter
sa bfe appel Cui in vita.

A Cceptance is a taking
in good part, and as it
were an agreeing unto
some act dōe before, which
might haue been vndone &
avoided (if such accepta-
ce had not bin) by him or the
that so accepted, as for ex-
ample: if a Bishop before a
Statute made in the first
years of Eliz. lease part of
the possessions of his Bi-
shoprick for terme of years,
reseruing rent & death, and
after another is made Bi-
shop, who accepteth, that
is to say, taketh or recei-
ueth the rent whē it is due
and ought to be paid, now
by this acceptance the lease
is made perfect and good,
which els the new bishop
might verie well haue
avoided & made frustrate.

The like law is, if a man
& his wife seised of land in
the right of the wife, ioynt-
& make a lease or feoffment
by deed, reseruing rent, and
the husband dieth, she ac-
cepteth or receiveth the rent
by this the feoffment or lease
is made perfect and good,
& shal bar her to bring her
writ called Cui in vita.

11

Accessories.

Accessories.

Accessories are in two sorts, the one before the offence, the other after the offence is done. Accessorie before the fact, or offence, is he that commandeth or procureth another to doe felony, & is not there present himselfe when the other doth it, but if hee be present, the he is also principal. Accessorie after the offence, is hee that receiveth, favoureth, aideth, assisteth, or comforteth any man that hath done any murder, or felony, whereof hee hath knowledge, such an accessorie shall be punished, and shall have judgement of life and member, as well as the principall which did the felony: but such an accessorie shall never bee put to that till the principall be attaint or convicted, or be outlawed thereupon. But a woman in such case shall not bee accessorie for helping her husband. In great or high treason as well the commanders as the assisters & receivers as the doers be accounted principals. And one may bee access-

Accessories sont en deux sorts, l'un avant le fait, le autre puis le fait fait. Accessorie devant le fait, est celui que commanda ou procura autre de faire felony, & n'est la present luy mesme quant l'autre le fait, mes sil soit present donques il est auxy principal. Accessorie puis le fait est celui que receiva, fauora, aida, assist, ou comfort aucun home que ad fait ascū murder, ou felony, dont il ad connaissance, tiel accessory sera puni & auera iudgement de vie & de member, auxy bien come le principal que fist le felony: Mes tiel accessorie ne serra iamais mis a responder a ceo tanque le principal soit convict ou attaint, ou soit vylage de ceo. Mes vn feme en tiel cas ne serra accessory pur le aider de son baron. En grand ou hault Treason son cibien les commanders, come les assisters & receivers apres, sont tous soit principals.

Auxy vn poit estre accessorie

The Exposition of

cessorie al accessory, si cōc sozie to an accessorie, as if vn feloniously receiue vn one feloniously receiue another that is accessorie to lonie, la le receiue est vn felonie, there the receiue is an accessorie.

Vies plus del accessorie in le dit Lieur de les Plees del crowne, le prim of the Crowne, the first lieur, cap. 44. 45. 46. 47. 48. 49. & 50. booke cap. 44. 45. 46. 47. 48. 49. & 50.

14. Action.

Action est le forme de vn suit done per le ley de recouer chose, come action de Dette, & tielx semblables.

Vide Lexicon Iuris pur action.

13. Actions personals.

Actions personals sont tiels actions per queux home claime dette ou autre biés & chateux, ou damage pur eux, ou damage pur tort fait a son pson, & est ppint celq en le Ciuil ley est appel actio in personam, que aduersus eum intēditur, qui ex cōtractu vel delicto obligatus est aliquid dare ou concedere.

14. Actions reals.

Actions reals sont tiels actions p queux le demandant claime rēde al

Action.

Action is the forme of a suit given by the Law to recouer a thing, as an action of Debt, and such like.

See the Lexicon of the Law for action.

Actions personals.

Actions personals be such actions whereby a man claimeth debt or other goods and chattels, or damage for them, or damages for wrong done to his person, and it is properly that which in the Ciuil law is called Actio in personam, which is brought against him who is bound by cōtract or delict to giue or grant any thing.

Actions reals.

Actions reals be such actions whereby the demandant claimeth rēde to

any

any landes or tenements, rents or commons, in fee simple, fee taile, or for term of life.

25 Action populer.

Action populer is an action which is given by on the breach of some penal Statute, the which action every man that will, may sue for himself and the King, by information or otherwise, as the Statute alloweth, & the case requireth. And of these actions there be an infinite number, but one for example, as, when any of the Jurie that are impanelled and sworn to passe betweene party & party indifferent, do take any thing of the one side or other, or of both parties to say their verdicts on that side, then any man that will within the yere next following the offence made may sue a writt called Decies tantum, against him or them & so bid take to give him verdict, & because & this action is not given to one specially, but generally to any of the King's people as will sue, it is called an action populer, but in

aucun terres ou tenemens, rents ou commons, in fee simple, fee taile, ou pour terme de vie.

Action populer.

Action populer est une action que est done sur le breach d'aucun penal Statute, le quel action chescun home que voit poit suer par luy mesme & le Roy, par information ou autrement, cōc le Statute allow & le case require. Et de ceux actions il y ad infinite nūber, mes vn pur exemple est: Quā ascū del Jury que sont impanel & iurés de passer perēter party & party indifférent, prist ascū chose de lun pe ou lautre, ou de ambideux parties pur leur verdict dire al ceo part, donques ascū home que voit deins lan procheine ensuant le offence fait, poit suer vn briefe appel Decies tantū enuers luy, ou ceux que issint prist par leur verdict dis & pur ceo que cest action nest don al vn home specialmēt, mes generalment al ascū de les peopl' del roy que voit suer, il est appel vn action populer, mes en

The Exposition of

cel case, quant vn auoit
commence de pursuer cel
action, nul autre poit ceo
fuer, & en ceo come sem-
ble cel varie del actiō po-
puler per le Ciuil ley.

16 *Action mixt.*

Action mixt est vn suit
done per la ley de re-
couer le chose demaund,
& auxy damages pur le
tort fait, come en Assise
de Nouel disseisin, quel
briefe (si le disseisor fait fe-
offement al autre) le dis-
seisee auera vers le dissei-
sor & le feoffe ou autre
terre tenant, & en ceo re-
couera son seisin del terre
& les dammages pur le
mean profits, & pur le tort
a luy fait. Et issint est vn
action de Wast & Quare
impedit. Mes vn action de
Detinue nest appel action
mixt, comt p ceo le chose
detenus est demaund, &
serra recouer si poit estre
troue & damages pur le
detain, & si ne poit estre
troue, donq; damages pur
la chose & la deteiner.

Mes ceo est appel sole-
ment action personal que
sera port soleint pur biens
ou chattels, ou charters.

this case whē one hath be-
gun to pursue an action,
no other may sue it, and in
this as it seemeth this doth
differ from an action po-
pular by the Ciuil law.

Action mixt.

Action mixt is a suit gi-
uen by the law to reco-
uer the thing demanded, &
also damages for the wrong
done, as in Ass. of No. dis-
seisin the which writ (if the dis-
seisor make a feoff. to ano-
ther) the disseisor shall have
against the disseisor, & the feof-
ees or other land tenant, &
therby shal recover his sei-
sin of the land & his dama-
ges for the meane profits,
& for the wrong done unto
him. And so is an action of
Wast & Quare imp. But an
action of detinue is not cal-
led an action mixt, althogh
by it the thing withheld
is demanded, & shalbe reco-
uered if it may be found &
damages for the withhol-
ding, & if it can not be found,
then damages for the thing
& the deteining. But it is cal-
led only an action personal,
because that it should be
brought only for goods and
chattels, or charters.

Action of a Writ.

Action of a Writ, is a phrase of speech used when one pleadeth some matter, by which he sheweth that the plaintife had no cause to haue that writ which he brought, & yet it may be that he may haue another writ or action for the same matter: such a plea is called a plea to the action of the writ, whereas if by the plea it should appeare, that the plaintife hath no cause to haue an action, for the thing demanded, then it shall be called a plea to the action.

Action upon the case.

Action vpon the case, is a writ brought against one for an offence done without force, as for not performing promise made by the def. to the plaintife, or for speaking of wordes, by which the plaintife is defamed, or for other misdemeanors or discreit, where the whole case shall be contained in the writ.

Action upon the Statute.

Action vpon the Statute, is a writ founded vpon

Action del brieve.

Action del brieve est vn phrase del parlance, vse quant vn plede ascun matter, par que il monstre que le plaintif nad cause d'auer le brieve que il port, & vncos poit este que il poit auer auter brieve ou action pur mesme le matter: tiel plee est appel plee al action del brieve, lou si per la plee appiert que le plaintife naueroit ascun cause de auer ascun action pur le chose demand, donques ceo serra dit plee al action.

Action sur le case.

Action sur le case est brieve port enuers vn pur ascun offence fait sans force, come per nient performance del promise fait per le defendant al plaintife ou pur parlance des parols per queux le plaintife est defame, ou pur auter misdemeanor ou discreit, lou tout le case serra contenu en le brieve.

Action upon the Statute.

Action sur le Statut, est brieve foudue sur ascun

The Exposition of

cun estatute, lou per as-
cun estatute vn action est
done a vn en aucun case
lou nul tiel action fuit de-
uant: Come lou vn com-
mit periurie al preiudice
dun aurer, celuy que est
damnisie auera brieve sur
le estatut & son case. Et le
difference ent action sur
le statute & action popu-
ler est, que lou le statute,
done le fuit ou action al
partie grieue, ou aurer-
ment, a vn person certain,
ceo est appel action sur le
statut: Mes lou p le statut,
authority est done a chesc
que voyle de suer, ceo est
appel action populer.

any statute, where by any
statute an action is giuen
to one in any case where
no action was before: And
where one committeth per-
iurie to the preiudice of an-
other, he which is indami-
maged shall haue a writte
vpon the statute & his case:
And þ difference betwene
an action vpon the statute
and action populer is, that
where the statute giueth
the suit or action to the par-
tie grieved, or otherwise
to one person certayne, that
is called action vpon the
statute: But where by
the statute authoritie is
giuen to euery one that
will so sue, that is termed
action populer.

20

Accompt.

ACcompt est vn brieve,
& gist lou Bayliffe ou
receiuer dascun seignieur
ou dauter home, que doit
render accompt, ne voit
render son accompt, don-
ques celuy a que l'accompt
doit estre render, auera
cest brieve. Et per le sta-
tute de Westminster 2.
capitulo 10. si l'accomp-
tant soit troue in arrears-

Accompt.

ACcompt is a writte, and
it lieth where a bayliffe
or a Receiuer to any Lord
or other man, which ought
to render accompt, wil not
giue his account, then he to
whom the account ought to
bee giuen, shall haue this
writte. And by the Sta-
tute of Westminster 2.
Chap. 10. if the Accompt-
tant bee found in arrears-

gen

ges, the Auditors which
be assigned to him, have
power to award him to
prison, there to abide till
he have made agreement to
the party. But if the Au-
ditors will not allow rea-
sonable expence and costs,
or if they charge him with
more receipts than they ought,
then his next freind that
will sue for him, shall sue a
writ of Ex parte talis out of
the Chancerie directed to
the Sheriffe to take four
mainpernors to bring his
bodie before the Barons
of the Exchequer at a cer-
tain day, and to warne the
Lord to appeare there at a
certaine day.

ges, les Auditors que sont
a luy assignes, ont power
de agarder luy a prison, la
demurrer tanq; il ad fait
gree al pry. Mes si les Au-
ditors ne voillent allower
reasonable expence & co-
stage, ou s'ils chargeront
luy ouc plusours reseipts
quans ne duissent, don-
ques son procheine amy, q
voit suer pur luy, suera vn
brieft de Ex parte talis
hors del Chauncerie, di-
rect al Vicont de prender
4. Mainpernors ne rendr
son corps deuant les Ba-
rons del Exchequer a cer-
taine iour, & de garner le
Seignieur d'appareer la a
meisme le iour.

Accord.

ACcord is agrement be-
twene two at the least,
to satisfie an offence that
the one hath made to the
other, when a man hath
done a trespas, or such like
unto an other, for if which
he hath agreed with him to
satisfie & content him with
some recompence, which
if it be executed and perfo-
med, then because that
this recompence is a full

Accord.

ACcord est vn agreemēt
parentf deux al meins
pur satisfie vn offence que
le vn ad fait al auter,
quant vn home ad fait vn
trespasse, ou tiel sembla-
ble al auter, pur le quel il
ad agree oue luy de satisf-
fier & content luy oue re-
compence, quel si soit exe-
cuted & performe, don-
ques pur ceo que cest re-
compence est vn pleine
satisf.

The Exposition of

satisfactiō pur le offence, satisfactiō for the offence
il terra vn bon barre en le it shall bee a good barre to
ley, si l'auter apres l'accord the law, if the other after
perfourme, voit s'uer arere the accord perfourmed,
vn action pur mesme le should sue againe any action
trespas. on for the same trespass.

Nota que le primer est Note that the first is
properment appelle vn Ac- properly called an accord
cord, le aut est vn cōtract: the other a contract.

22 Acquitall. Acquitall.

Acquitall est quant il y **A**cquitall is where there
ad Seignior, mesme, & is a Lord, mesme, and
tenant, & le teneant tient tenant, & the tenant holdeth
de le mesme certain terres of the mesme certaine lāds
ou tenements in frankal- or tenements in frankal-
moigne, frankmarriage, moigne, frankmarriage, or
ou tielx semblables, & le such like, and the mesme
mesme tiēt ouster auxy de holdeth ouer also of the
le Seignior paramont, ou lord paramōt, or bone him
deuant luy. Ore doit le Now ought the mesme
mesme acqte ou discharge acquite or discharge the
le tenant, de tout & chef- tenant of all & euery maner
cun maner de seruice, que of seruice, that any other
ascun auter voit auer ou would haue or demand
demaund de luy concer- him, concerning the same
nant mesmes les terres ou lāds or tenements, for that
tenements, pur ceo que le the tenant must do his ser-
tenant doit faiz le seruice uice to the mesme onely, and
a le mesme tantsolement, not to diuers lords for one
& nemy al diuers Seigni- tenement or parcel of land.
ours pur vn tenement, ou The same law is where
parcel del terre. Mesme le there is one Lord, mesme,
ley est ou il est S'hr, mesn, and teneant as aforesayd,
& tenant come auant dit, and the mesme graunteth
& le mesme granta al tñ to the tenant: (vpon the te-
(sur le tenuz fait p'e'eux) nure made betwene them)

to acquite and discharge pur acquiter & discharger
him of all rents, seruices, luy de tous rēts, seruices,
and such like : This discharge & tiels sēblables: Cest discharge
is called acquital. charge est appel acquital.

Likewise if the tenant Mesme la ley est, si tenant
holdeth of his mesne by tient de son mesne per au-
like seruices, as the mesne tiels seruices, cōte le mesne
holdeth ouer of the Lord, tient ouster del Seignior,
the tenant both oꝝ payeth & le tenant fait ou paye
his seruices to the mesne, seruices al mesne, mes le
but the mesne doth not his meine ne fesoit les seru-
seruices to the chiefe lord, ces al seignior par amōur,
wherefoze hee distraineth per que il distreine les
the beasts of the tenant: beasts del tenant: en cel
In this case the mesne for case lb mesne per le ouer-
the equalnesse of the seru- tie del seruices doyt ac-
ces ought to acquite the quiter, le tenant del serui-
nant of the seruice due on- ces due al Seignior.
to the Lord.

23

Acquittance.

Acquittance.

A Cquitace, is a discharge
in writing of a summe
of money, oꝝ other dūctie
in hich ought to bee paid
oꝝ done : As if one bee
bound to pay money vpon
an Obligation, oꝝ rent
reserued vpon a lease, oꝝ
such like, and the partie to
whom the money oꝝ dūctie
should bee paid oꝝ done,
vpon the receipt thereof,
oꝝ vpon other agreement,
betweene them had, ma-
keth a writing oꝝ bill of
his hand, in discharge

A Cquitance, est vn dis-
charge en escript dun
summe de mony, ou auter
ductie, quel doit este paye
ou fait : sicome vn loyt
oblige de payer mony sur
vn obligation, ou rent re-
serue sur vn lease, ou tiel
semblable, & le partie a
que le mony ou dūcty doit
este pay, ou fait, sur le re-
ceit de ceo, ou sur auter
agreement patenir eux
ewe, fait escript, ou bill de
son mayne en discharge
de

The Exposition of

de ceo, testimoignant que
il est paie, ou auerment
conter, & par ceo acquite
& discharge luy de ceo, le
quel acquitance est ciel
discharge & barre en le
ley, que il ne poit demand
& recouer mesme le sum
ou durtie auterfois, cont
a ceo, fil poit monstre le
acquitance.

Cest parol differt ab
hoc quod in lure ciuili ac-
ceptatio dicitur, quia il-
lud fieri potest verbo sine
scripto, & nihil aliud est
quam facta solutio & libe-
ratio, licet solutio non sit:
nec Apocha dici potest,
quæ cautio est solutz da-
tæ pecuniz, q non libe-
rat nisi pecunia soluta sit.

24 **Acts.**

ACts de Parliament sont
leyes positive que con-
sist de deux parts, cest a
dire de les parolx del act,
& del sence de ceo, & ils
ambideux ioynt ensemble
font la ley.

25 **Additions.**

Addition, est ceo que
est doneal home ouster

thereof, witnesseth that
is paid, or otherwise con-
tented, and therefore doth
acquite and discharge him
of the same, which acqui-
tance is such a discharge
& barre in the law, that
he cannot demand and re-
couer that summe or durtie
again, contrary therunto,
if he shew the acquitance.

This word differt
from those which in En-
glish Lawe bee called Ac-
ceptatio, or Apocha, be-
cause Acceptatio may
be by word without wri-
ting, and is nothing but
payed payment and dis-
charge, though no painment
be had. And Apocha is
writing witnesseth pay-
ment or delivery of money,
which dischargeeth not be-
lesse the money be paid.

Acts.

ACts of Parliament, are
positive Lawes which
consist of two parts, that
is to say, of the wordes of
the Act, and of the sence
thereof, & they both ioynt
together make the law.

Additions.

Addition, is that which
is given vnto a man or

an

mer and besides his proper name and surname, that is to say, to shew of what estate, or degree, or myserie hee is, and of what towne or Hamlet, or Countie.

Additions of estate are thise, yeoman, gentleman, Esquire, and such like.

Additions of degree are those that wee call names of dignitie, as Knight, Earle, Marquesse Duke.

Additions of myserie are such, Scrivenner, painter, mason, carpenter, taylor, smith, and so all other of like nature: for myserie is the craft or occupation whereby a man getteth his living.

Additions of towne as Sale, Dale, & such others, and so of the rest.

And where a man hath household in two places, he shall be said to dwell in both of them, so that his addition in one of them both suffice.

By the Statute the first yeare of the 5. and chapter the 5. it was ordeyned that in suits or in actions where proccesse of things

son proper noime & surname, cest adire, pur monstrer, de quel estare ou degree, ou myserie il est, & de que ville ou Hamlet, ou Countie.

Additions de estare sōt ceux, yeoman, gentleman, Esquire, & tiels semblables.

Additions de degree sōt ceux q nous appellomus nosmes de dignitie, come Chiualer, Conte, Marquesse, & Dux.

Additions de myserie sont ceux, Scrivenner, painter, mason, carpenter, taylor, smith, & issint toutes auts de semblable nature, car myserie é le craft ou occupation, p que home gaine son living.

Additions de villes eōt Sale, Dale, & tiels autres, & issint de les autres.

Et lou vn hom ad household en deux lieux, il serra dit demurr en ambideux, issint que son addition en vn de eux suffist.

Fuit ordeine per lestature Anno 1. Henrici 5. cap. 5. que en lites ou actions, ou proces duragario

The Exposition of

lagarie gift, tiles additions serra al posme del defendant, a declarer son estate, myserie, & lieu ou il enhabite, & que tiels briefes abateront s'ils ne ount tiels additions, si le defendant prist exception a ceo, mes ils ne abateront per office del Court.

Auxy Duke, Marqueſſe, Counte, ou Chiualler ne ſont pas ne ceux additiōs, mes noſmes de dignitie, queux duiſſont auer eſtre done deuant le Statute.

Et ceo fuit ordeigne p le dit ſtatute fait en le premier an de Roy H. le 5. cap. 5. al intent que vn home ne ſerroit greeue ne trouble per le vilagarie de vn auer: Mes que per reaſon de le certaine addition, cheſcun home poit eſtre certainement conus, & portera la burden de meſme.

26. Adjournement.

A Diournemēt eſt quant aſcun Court eſt diſſolue & determine, & aſſigne deſtre garde arriere al autre lieu ou temps, & moy ſemble eſt com-

ry lyeth, ſuch additions ſhould be to the name of the deſ. to ſhew his eſtate myſerie, and place where he dwelleth, and that ſuch writs ſhall abate, if they haue not ſuch additions, if the defendant take exception thereto, but they ſhall not abate by the office of the Court.

Also Duke, Marquess, Earle, or Knight be none of that addition, but names of dignitie, which should have been given before the Statute.

And this was ordeined by the ſaid Statute made in the firſt yeare of King H. the 5. cap. 5. to the intent, that one man might not bee grieued nor troubled by the vicarie of another: But that by reaſon of the certaine addition, every man might bee certainly knowne, and bear his owne burden.

Adjournement.

A Diournement is when any Court is diſſolved and determined, and aſſigned to bee kept againe in another place or time, and we thinke it is compoſed

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(al) and iour. ou (al) & iour.

37 Admeasurment de
Dower.

Admeasurment de
Dower.

Admeasurment de Dower
is a writ, and it lieth
where a woman is endow-
ed by an enfant, oz by a
gardein of more then shee
ought to haue, the heire in
such case shall haue this
writ, by the which the wo-
man shal be admeasured, &
the heire restored to her o-
verplus. But if one abate, & is
to say, one which hath no
right entred after the death
of the husband, and indow
the wife of him & is dead,
of more then he ought to
haue, the heire shall not
haue his writ, but Assise
of Mordauncestre, against
the woman, & if she plead
shee was endowd of the
land as of the feith of her
husband, the heire shall
shew how shee was in-
dowd by the abator, and if
she had more then she ought
to haue, & shall pray that he
may be restored to the sur-
plusage, and if it be found, he
shall be restored.

Admeasurment de dower
est un brieve, & gist lou
un feme est endow per un
infant, ou per un gardein
de plus que deuon au, le
heire en tel case auera ce
brieve, per quel le feme
serra admeasure, & le heir
restor a le surplusage. Mes
si vn abate, cest adire, vn
que nad droit enter apres
le mort le baron, & endow
la feme de cestuy que est
mort, de plus que doit au-
uer, le heire nauerá cest
brieve mes Assise de Mor-
dauncestre vers la feme, &
si el plede que el fuit en-
dowe de ceo tere come del
franktenement sa baron,
le heire monstra coment
el fuit endow per le aba-
tor, & que el ad plus que
deuoit auer, & piera que
il soit restor al surplusage,
& si soit trouue, il sera re-
storé.

C

Ad.

The exposition of

28 Admeasurement de
pasture.

ADmeasurement de pasture, est vn brieve, & gift lou plusieurs tenants, ont common appendaunt en auter terre, & vn surcharge le cōmon oue plusieurs auers: Donques l'auers commoners poient auer cest brieve vers luy, & auxy poit estre port p vn common solement, mes donques couiēt estre port vers tous l'auers commoners, & vers cestuy que surcharge, pur ceo que tous les cōmoners serront admeasures.

Et cest brieve ne gift vers luy, ne pur luy que ad cōmon appartenant, ou cōmon in grosse, mes ceux que ount common appendant ou common p cause de visinage.

Vide le diuinitie de tous ceux commons aps en le title de Common.

Auxy cest brieve ne gift pur le Seignior, ne vers le Seignior, mes le Seignior poit distraine les auers le tenaunt que sont surplusage. Mes si le Seignior surcharge le common, les

Admeasurement de
pasture.

ADmeasurement de pasture, is a writ, & it lyeth where many tenants haue common appendant in another ground, & one ouerchargeth the common with many beastes: Then the other cōmoners may haue this writ against him, and also it may be brought by one commoner onely: but then it becometh to be brought against all the other commoners, & against him that surcharged, for that all the cōmoners shal be admeasured.

And this writ lyeth not against him, nor for him, hath common appartenant, or common in grosse, but them which haue common appendant, or common by cause of visinage.

See the diuersitie of these commons afterwarde in the title of Common.

Also this writ lyeth not for the Lord, nor against the Lord, but the lord may distraine the beastes of the tenant that be surplusage. But if the Lord ouercharge the Common, the

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commoner hath no remedy by the common law, but an Assise of his common.

29 Administrator.

ADministrator, is hee to whom the Ordinarie committeth the administration of goods of a dead man for default of an executor, and an action shall lie against him, & for him, as for an executor, & he shalbe charged to the value of the goods of the dead man and no further, if it be not by his owne false plea, or for that that he hath wasted the goods of the dead. But if the administrator die, his executors be not administrators, but it behooveth the Ordinarie to commit a new administration. But if a stranger that is not administrator nor executor take the goods of the dead, and administer of his own wrong, he shall be charged & sued as an executor, and not as administrator in any action that is brought against him by any creditor. But if the Ordinarie make a letter ad Colligend bona defuncti, he that hath such a letter is not admini-

Administrator.

ADministrator, est celuy a que le Ordinarie commet la administration des biens le mort pur default de executors, & action gist vers luy, & pur luy come pur executor, & sera charge iusques al value des biens le mort & nient ouster, sil ne soit per son faux plee, ou pur ce que il ad wast les biens le mort. Mes si le administratour deuie, ses executors ne sont administrators, mes couient al Ordinarie de commettre nouvel administration. Mes si vn estrange que nest administratour ne executor prist les biens le mort, & administer de son tort demesne, il sera charge & sue come executor, & nemy come administratour en aucun action que est port vers luy per aucun creditour. Mes si le Ordinarie fait vn briefe ad Colligendum bona defuncti, celuy que ad tuel letter nest administrator,

The exposition of

first, mes lacion gift vers
le ordinarie auxibien cõe
sil prist les biës en somain
demeine, ou p le main de
ascũ de ses seruants p au-
ter commandement.

30

Admirall.

ADmirall est vn Officer
sout le Roy, que ad
auctorite sur la mere rã-
tum, pur veyer le nauie
repaire & maintaine pur
supprimer & chaser dehors
estimures de mere, & de
faire droit de contractes
perenter partie & partie,
concernant chose fait sur
& ouster le mere, & pur
cẽ purpose il ad son court
appel le Admiralte. Il
põit causer son Citation
deff serue sur le terre, &
prendre le corps del party
ou biens en execution sur
le terre.

Item il ad cognisance
del mort ou maihem de
vn home fait en ascũ grãd
niese flectant en graund
ryuers en le Realme, de-
base les ponts de eux pro-
cheine al mere.

Auxy pur arrest nieses
en les grãd streames pur
les voyages del Roy &
Realme, & ad iurisdiction

strato, but the action lyeth
against the Admirarie also
well as if he took the goods
to his owne hand, or by the
hand of any of his seruants
by any other cõmandement.

Admirall.

ADmirall is an Officer
vnder the King, that
hath auctoritie vpon the
sea onely, to see the Nauie
prepared and mainteined
to suppress & chase away
robbers and rōuers, and
to iudge of contracts be-
twene partie and partie,
concerning things don vpon
on and beyond the seas, &
for that purpose hee hath
his Court called the Ad-
miralte. Hee may cause
his Citation to bee serued
vpon the land, and take the
parties bodie or goods in
execution vpon the land.

And also he hath cogni-
sance of the death or may-
hem of a man committed
in any great ship floting in
great riuers in the realme
beneath the bridges of the
same next the Seas.

Also to arrest thys in the
great streames for the voy-
ages of the K. and Realme
and hath iurisdiction

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the said streames during en les dits streames durāt
the same boiages. mesmes viages.

31 Ad quod dampnum. Ad quod dampnum.

AD quod dampnum is a writ which ought to bee sued befoze the king grant certaine liberties : as a Fayze, Market, or such like which may be preiudiciall to others. And by it shal be inquired if it shoulde be a preiudice to grant the, & to whom it shal be preiudicial, and what preiudice shal come therby.

32 Aduowson. Aduowson.

A Duowson is where a man and his heires haue right to present their clerk to the Ordinary to a parsonage, or other spirituall benefice when it becometh void. And hee which hath such right to present is called Patron.

33 Age prier. Age prier.

AGE prier, is whe an action is brought against an Infant of land which hee hath by descent, there hee shal shew the matter to the court, & shall pray that the action may stay till his full age of xij. yeares, and so by award of the court, the suit shal surcease.

AGE prier est quant action est port vers enfant de terre que il ad per descent, la il monstra le matter al court, & piera que le action demurra tanque a son pleine age de xxj. ans, & issint per award de Court le suit surcesera.

The Exposition of

Mes en brief de dower But in a writ of Dower & en Affise, & auxy en socer and in Affise, and also tiels actions lon le infant in such actions where the est suppose a vener al infant is supposed to come terre en demaund en son to the land demaunded by tort demesne, il nauera sa his owne wrong, hee shall age. not haue his age.

Auxy nota que sont And note wel that there plusors dyuersities de ages, car le Seignieur ages, for the Lord that haue uera ayde de son tenaunt aide of his tenant in Dower Socage pur marrier sa cage for to marrie his file, quaut la file le Seignour est del age de sept daughter, whē the daughter of the Lord is of the ans. Et auxy aide pur faire age of vij. yeres. And also son fites & heire chiualer, aide for to make his sonne quant il est del age de sept & heire knight, when he is ans. of the age of vij. yeres.

Auxy feme que est es- Also a woman which is poule al age de ix. ans, si sa married at the age of nine baron morust seisi auera yeres, if her husband die Dower, & nemy deuant ix. seized that haue dower and ans. not befoze nine yeres.

Auxy xiiij. ans est le Also xiiij. yeres is the age de feme que ne serra age of a woman that shes en gard, si el fuit de tiel shall not be in ward, if she age al temps del mort were of such age at the time son ancestor, mes si el fuit of the death of her aunce- deins age de xiiij. ans, ster, but if she were within & in gard son Seignieur, the age of 14. yeres, and in donques el serra en gard ward of the lord, then shes ranque al age de xvj. ans. shall be in ward til the age Et auxy 21. ans est le age of 16. yeres. And also 21. de heire male destre en yeres is the age of the heire gard, & apres ceo hors de male to be in ward, and after that out of ward.

And

And also it is the age of male and female to sue and to be sued of lands which they have or claime by descent, & to make all manner of contracts & bargaines, & not befrze: but if such an infāt within the age of 21. yeares giue his goods and the donor take them, the infant may have an action of trespassse, but otherwile it is if he deliuer the himself.

Et auxy il est le age de male & female de suer & destre sue des terres, que ils ount ou claime per descent & de fair tous maners cōtract & bargains, & nient deuaunt mes si el enfant deins ages de 21 ans done ses biens, & le donee eux prist, le enfant pōit auer vn actiō de trespass, mes autern en il est fil deliuer eux.

24 Agreement.

Agreement, is after this sort defined or expounded in Maister Plowdens Commentaries. Aggrementum is a worde compounded of two wordes, namely, of Aggregatio, and Mentium, that is to say, Agreement of mindes, so that agreement is a consent of mindes in some things done, or to be done, and by drawing together of the two wordes, Aggregatio and Mentium, and by the haste and short pronouncing of them they bee made one worde, to witte, Aggrementum, which is no other thing then a ioyning, putting,

Agreement.

Agreement, est en cest manner define, ou expounded en Maister Plowdens Commentaries. Aggrementum, est vn parol compoūde de deux parolx, cest acauoir, de Aggregatio & Mentium, cest adire agreement de ments, issint que Aggrementum est Aggregatio mentiū in re aliqua facta vel faciēda, & p le contraction de les deux parolx, Aggregatio & Mentium, & per le correete & briefe parlance de eux, ils sont fait vn paroll, cest acauoir, Aggrementum, le quel nest auter chose, que vn vnion, collecte

The Exposition of

copulation & coniuncti-
on de deux ou plusieurs
ment in alcun chose fait
ou delle fait. (Veies apres
en Testament.) Et cest a-
greement est en 3. man-
ners.

Le primer est vn agree-
ment executé en fait al co-
mencement.

Le second est vn agree-
ment puis vn act fait p auf,
& est vn agrement execu-
ted auxy.

Le tierce est vn agrement
executory ou dec fait en
temps vncor auenir.

Le prim, que e vn agree-
ment executé en fait al co-
mencement, est tel de que
mention est fait en le sta-
tute de 15. Edw. 3. cap. 3.
de pannis in le quart Sta-
tute q dit, que les biens &
choies achates p forestal-
lers, que de ceo seront at-
tains, soient forsters al
Roy, si le achator en vlt
tak gree al vedor. En quel
case, cest parol (Gree) que
est autre appel agrement
terra entende agrement
execute, viz. paiement pur
les choies.

coupling & knitting toge-
ther of two or moe mindes
in any thing done or to be
done. (See after in Te-
stament.) And this a-
greement is in thre man-
ners.

The first is an agrement
executed already at the be-
ginning.

The second is an agrement
after an act don by another,
and is an agrement execu-
ted also.

The third is an agrement
executory, or to be done in
time yet to come.

The first, which is an
agreement executed already
at the beginning, is
such, wherof mention is
made in the stat. of 15. Ed.
3. cap. 3. of clothes in the
fourth Stat. which saith,
That the goods & things
bought by forestallers, be-
ing thereof attainted, shall
be sold to the king, if the
buyer thereof have made
gree with the seller. In
which case the word (gree)
which is other wise called
agreement, shall be under-
stood agreement executed,
that is, payment for the
things.

The

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The second maner of agrement is where one doth a thing, or act, and another agrees or assents thereto after words, as if one doe a disseisin to my ble, & after ward I agree to it, now I shall be disseisoz from the beginning, and such agrement is an agrement after an act done.

The thurd agrement is when both parties at one time are agreed that such a thing shal be done in time to come, and this agrement is executorie, in as much as the thing shall be done after, and yet there, their mindes agreed at one time. But because the performance shalbe after ward and the thing upon which the agrement was made, remains to be done, that agrement shalbe said executorie. And that the statute of 26. H. 8. cap. 3. both proueth where it saith, that every vicar, parson, & such like &c. before their actual possession, or meddling with the profits of their Benefices shall satisfy, content, &c. or agree to pay to the R. the first fruits, &c. and if

Le second maner de agrement est lou vn fait vn chose ou act, & vn auter agree ou assent a ceo apres, come si vn fait disseisin a mon vfe, & apres ieo agree a ceo, ore ieo serra disseisour ab iunctio, & tiel agrement est vn agrement puyz vn act fait.

Le tierce agrement quant ambideux parties a vn temps sont accords que tiel chose serra fait en teps a veñer, & ceo agrement est executorie, en tant que le chose seff fait apres, & vncore ja, leur ments accord a vn temps. Mes en tant que le performance seff apres, & issint le chose sur que lagreement fuit fait, remaine a faire, ceo agrement serra dit executorie. Et ceo le statute 26 H 8. cap. 3. prouet, ou il dit, que chescun Vicar, Parson, & tiel &c. deuant leur actual possession ou meddling oue les profits de leur Benefice satisfiera, cõtent, &c. ou agreera a payer al vfe le Roy les primer fruits &c. Et si aucun

The Exposition of

ascun tiel Parson, vic' &c. ent en actual possession, &c. ceo agreement est destitue executorie, come le common vsage proue, car est vie, q il oue vn ou ij. que luy faier deux vel trois obligations pur ceo destit pay en certain iours ap's, & cest agreemēt executory, est diuide en deux points. Vn est agreement executory, que est certain al commencement, come est dit darrein duat del prim fruirz.

Laut est lou le certain- tie appiert al primes & les pries sont accords que le chose serra perform, ou pay sur le certainty conus, come si vn vend al aurer tout so wheat en tiel tasle en son barn nient thresh, & il est agreee parant eux, que il payera pur chescun bushell 12. d. quant il est thresh cleane, & mea- sure.

35

Ayde.

Ayde, est quant tenaunt a terme de vie, tenant en dower, tenaunt per le currese, ou tenat en taile ap's possibilite diffue ex-

any such Parson or Vicar, &c. enter in actual possession, &c. this agreement to be understood executory as if common use proueth for it is held that hee may one or two with him, do make two or three obligations for it to be paid at certain daies after, & the agreement executory is diuided into two pointes. One is an agreement executory which is certain at beginning, as is said in before of the first fruite.

The other is where the certainty doth not appeare at the first, and the parties are agreed that the thing shall be performed or paid vpon the certainty knowne as if one sell to another of his wheate in such a case of his barne with this, it is agreed between them he shall pay for euerie bushell 12. d. when it is threshed cleane and measured

Ayde.

Ayde, is when a tenaunt for terme of life, tenant in dower, tenant by curtesy, or tenant in taile after possibility of issue ex-

tine

is impleaded, then for
that they haue no estate but
for terme of life, they shall
say in ayde of him in the
reuerfion, & proces shall be
made by writt against him
to come and plead with the
tenant in the defence of the
land if he will, but it behou-
eth that they agree in the
law, for if they vary, the plea
of the tenant shalbe taken,
and then the aide prayer is
waide: but if he come not at
the second writt, then the
tenant shall answer sole.

Also tenant for terme of
years, tenant at will, tenant
by Elegit, and tenant by
statute merchant, shall
haue aide of him in the re-
uerfion, and the seruāt and
bayly of their master, when
they haue done any thing
lawfully in the right of
their master, shall haue aid.

rien est implede, donques
pur ceo que ils nont que
estate pur terme de vie,
ils prieront aide de cestuy
in le reuerfion, & processe
sera fait p brieve vers luy,
de vener & pleder oue le
tenaunt, en defence de
terre si voyle, mes il coui-
ent, que ils accorde en
plee: car s'ils varie, le plee
le tenaunt sera prise &
donques leide prier est en
vaine: mes si ne vient al
second brieve, le tenaunt
respondera sole.

Auzy tenant pur terme
de ans, tenant a volunt, te-
nant per Elegit, & tenant
per statute marchant au-
ront ayde de cestuy en la
reuerfion, & le seruāt &
bayly de leur Master, quant
ils ont fait ascun chose loi-
alement, en le droit leur
master, aueront ayde.

36 Ayde de Roy.

Ald of the King, is in like
case as it is said befoze
of a common person, and
also in many other cases
where the King may haue
losse, although that the
tenaunt bes tenaunt in fee

Ayde de Roy.

A Ide de Roy, est en sem-
ble case com est dit de
uant de common person,
& auzy en plusors auters
cases, lou de Roy puit auer
perde, coment, que le te-
naunt soit tenaunt in fee
simple

The Exposition of

simple, il auera aide, come
si vn rent soit demande
vers tenant le Roy, que ti-
ent en cheif, il auera aide,
& insint nauera de aurer
person.

Auxy lou vn Citie ou
Bourough ad vn fee farm
del Roy, & ascun chose
est demand vers eux que
appertaigne al fee farme,
ils aueront aide que le
perde le Roy.

Auxy home auera ayde
de Roy en lieu de voucher
Auxy le Bailife, Collector
& Purueyor del Roy au-
ront aide del Roy, auxy-
bien come les officers de
autres persons.

37 Aiel.
Alle, est vn triefe que
gist lou terre descende
de layel a son nephew,
viz. friz, ou file del friz
de layel, le pier esteant
mort, deuant entrie per
luy, & vn abate, le heire
auera vers le abatodr cel
brieffe.

38 Alien.
A Lien, est celuy que pe
& il m fuer ambideux

simple, he shall haue ayde
as if a rent be demanded
against the Kings tenant
which holdeth in cheife. he
shall haue ayde, & so he shal
not of a common person.

And where a Citie or
Borough hath a fee farm
of the King, and any thing
be demanded against them
which belongeth to the
farme, they shall haue ayde
for the losse of the King.

Also a man that haue ayde
of the King in the stead of
voucher. Also the Kings
Bailife, the Collector, and
Purveyor shall haue ayde
of the King, as well as the
officers of other persons.

Aile.
Alle, is a writ which lieth
where land descendeth
from the grandfather to his
nephewes, &c. the son, or
daughter of the son of the
grandfather, the father be-
ing dead befoze the entrie
by him, and one abateth, the
heire shall haue against the
abatodr this writ.

Alien.
A Lien, is he whose father
and himselfe were both
bozno

borne out of the Kings le-
giance, and if such an alien
bring none of the K. ene-
mies, but an alien friend
come and dwell here in
England, and have issue,
this issue is not alien, but
English. So if an Eng-
lish man goe ouer the seas
with the kings licence, and
there hath issue, this issue
is no alien.

nee hors del legiance le
Roy, & si tiel alien nest-
ant vn ennemie del Roy,
mes vn alien amy vient &
demuri cy en Engleterre,
& ad issue, cest issue nest
alien mes Anglois. Issint
si vn Anglois ala ouster le
mere oue le licence del
roy, & la ad issue, cest issue
nest alien.

Alienation.

39 **A** Lienation, is as much
to say, as to make a
thing another mans, oz to
alter oz put the possession
of landes oz other things
from one man to another.

A Lienation, idem est qd
alienū facere, ou de al-
ter, ou mitter le possession
de terre ou autre chose de
lun home al autre.

Ambidexter.

40 **A**mbidexter, is hee that
when a matter is in
suit betwene men, taketh
mony of the one side and of
the other, eyther to labour
the suit, oz such like, oz if
he be of the Jury, to say his
verdict.

Ambidexter, est celuy
que quant vn mat est
en suit percenter homes,
prist money de lun part &
del autre, ou pur labour le
suit, ou tiels seblables, ou
fil soit del lurie, pur dire
son verdict.

Amendement.

41 **A** Mendement, is when
error is in the proces,
the Iustices may amend
it after iudgement. But if
there be error in giuing of
iudgement, they may not
amend it, but the party is

Amendement.

A Mendement, est quant
erreur est en le proces,
les iustices poient ceo a-
mender apres iudgement.
Mes si error soit en iudge-
ment done, ils ne poiē a-
mend ceo, mes le pte est
mis

The Exposition of

mis al brieſe de Errou.
Et in pluſours caſes lou
le default appierr en le
clerke que eſciera la Re-
cord il ſerra amende: Mes
tiels choſes que vient per
information del ptie, com
le ville, miſterie, & huius-
modi ne ſerra amend, car
il doit informer veray a
ſon peril.

42 Amercement.

A Mercement, puis pro-
perment eſt vn penal-
tie aſſeſſe p les peeres ou
pares del partie amercie,
pur vn offence fait, come
pur default de ſuit de
court, ou pur non amend
de aſcun choſe que il ſuit
appoint de redreſſer de-
uant, ou pur tiel ſembla-
ble cauſe, en quel caſe la
partie que offend ſoy miſt
en le mercie del Roy ou
Seignior, & ſur ceo cel
penaltie eſt appelle A-
mercement.

43 Amercement royal.

A Mercement royal, eſt
quant vn Vicont, Co-
roner, ou auter tiel officer
del Roy eſt amercie p les
Juſtices pur ſon mildeme-
ning en le office. Quere ſi
ne ſerra dit fine.

put to his writ of Error.
And in many caſes whe
the default appereth in the
clerke that writ the record
it ſhall be amended: But
ſuch things as come by in-
formation of the partie,
the toſone, myſterie, & ſu-
like, ſhall not be amended
for hee muſt inſozme t
vpon his peril.

Amercement.

A Mercement, moſt p-
perly is a penaltie aſſeſ-
ſed by the perres or equal-
of the partie amerced, for
an offence done, as for t-
of ſuit of Court, or for ne-
amending of ſome thing
that hee was appointed to
redreſſe by a certayne time
beſore, or for ſuchlike cauſe
in which caſe, the partie
which offendeth putteth
himſelfe in the mercy of the
King or Lord, and there-
upon this penaltie is called
Amercement.

Amercement royal.

A Mercement royal, is
when a Sheriffe, Cor-
oner, or other ſuch Officer
of the King is amerced by
the Juſtices for his abuſe
in the office. Learne if
ſhall not be ſaid a fine.

An

An,iour, & wast.

AN,iour, & wast, is a forfeiture whē a man hath committed petit treason oz felonie, & hath lands which he holdeth of some common person, which shal be seised by the K. and remaine in his hands by the space of one pere & a day next after the attainder, & the p̄ tres shall be digged by, the houses shal be rased and pulled downe, & the pastures and meadowes epted & plowed up, so that he to whom the land shoulde come by escheate oz forfeiture doe not redeeme it of the K. a thing the moze to grieue the offenders and terrifie others to fall into p̄ like, in shewing how the Law doth detest their offence, so ferre forth as p̄ it both execute iudgement & punishment enen upon their dumb and dead things.

Annuitie.

ANnuitie, is a certaine summe of money graunted to another in fee simple, fee tayle, for terme of life, oz for terme of yeares, to receiue of the grauntoz

An,iour, & wast.

AN,iour, & wast, est vn forfeiture, quant vn hōe ad fait petit treason ou felonie, & ad terres queux il tient de ascū common person queux serf seisi pur le Roy, & remaine en son maines per la space de vn an & vn iour prochain apres le attainder, & donques les arbres seront defosse, les maisons seront rases, & les pastures, & pesayres & plowed, sinon que il a que le terre deuenera per leschete ou forfeiture, ne ceo redeem de Roy: vn chose le plus de greuer le offenders & terrifie auters de cader en autiel, en demonstrance, coment le ley detest leur offence, cy auant issint que il execute iudgemēt & punissemēt sur leur muie & mort choses.

Annuitie.

ANnuitie, est vn certain summe de mony graunt al vn auter, en fee simple, fee tayle, pur terme de vie, ou pur terme de ans, a receiuer del grauntour ou

An

The Exposition of

ou ses heirs, issint que nul frankement est charge de ceo, de que hōc nauer vnques Assise ne auter action, forsq; briefe de Annuitie, & nest aucun assets al heire le grauntce a que il descendra.

46 **Appeale.**
Appeale, est lou vn ad fait murd, robbery, ou mayhem, donques la fem cestuy que est tue, auera vn action de Appeal vers le murderer, mes sil nad feme, donques son prochain heire male auera le appeale a aucun temps deins lan & iour aps le fact. Et auxy cestuy que est issint robbe ou maymed auera son appeale, & si le defendant soit acquite, il recouera damages vers le appellour & labbetours, & ils aueront le imprisonment dun an, & ferra fine al Roy. Appeale de mayhem nest en maner forsq; que actio de trespasse, car il ne recouera forsq; que damages.

47 **Appellant.**
Appellat est le plaintife en le appeal.

oz of his heires, so that freehold is charged therewith, whereof a man neuer haue a lise nor actio, but a writ of Annuitie, and it is none assets the heire of the grauntce whom it shall descend.

Appeale.
Appeale, is where o hath done murder, robbery, oz mayhem, then the wife of him that is slain shall haue an action of appeal against the murderer, but if he haue no wife then his next heire male shall haue the appeale at any time within a yeare or a day after the deed. Also hee that is so robbed oz maymed, shall haue the appeale, and if the defendant be acquitted, hee shall recouer damages against the appelloz and the abbettoz, and they shal haue the imprisonment of a yeare and shall make fine to the King. An appeale of mayhem is in maner but a trespasse, for he shall recouer but damages.

Appellant.
Appellant is the plaintife in the appeal.

Ap

Appellour. **Appellour.**

A Ppellow ou Approuer, est cesty que ad fait as-
cun felonie le quel il con-
fesse & a ore appeale, ou
approue, cest adire, accuse
autres que fueront coad-
iutors ou aiders oue luy
en lesans de ceo, ou autres
felonies, de quel chose il
voile approuer, & pur ceo
est appel en Latin Proba-
tor.

**Appendant & Ap-
purtenant.** **Appendant & Ap-
purtenant.**

A Ppendant & Appurte-
nant, sont choses que
per temps de prescription
ont belong, appertaine, &
sont ioyne al vn aut prin-
cipal chose, ouesque que
ils passent & va come ac-
cessarie al mesme princi-
pal chose, per vertue de
ceux parolx Pertinentijs:
come terre, aduowsons,
combs, piscaries, chemins,
courts, & diuers tels sem-
blables, al vn manoir, mea-
son, office, ou tiels autres.

Apporcionment. **Apporcionment.**

A Pporcionmt est vn de-
uiding en parties de vn
rent (le quel e deuideable
& n'ier intier ou whole) &
entant que le chose hors

The exposition of

de quel il fuit deſtepay, eſt ſeperate & deuide, le rent auxy ſerra deuide, ayant reſpect a les parties. Si come vn home ad vn rent ſervice iſſuant hors de terres, & il purchaſe parcel de le terre, le rent ſerā apportion, accordant al value del terre.

Il ſint ſi home tient ſon terre dun aut p homaſe, fealtie, eſcuage, & certain rent, ſi le Seignior de que le terre eſt tenus purchaſe parcel del terē le rent ſerra apportion.

Item ſi home leſſa terres pur ans reſervant rē, & apres vn eſtrange recoquer part de le terre, donques le rent ſerā apportion, ceſt adire deuide, & le leſſee payera ayāt reſpect a c' que eſt recoū, & a ceo que ore remaine en ſes maines accordāt al value.

Mes vn rent charge ne poit eſtre apportion ne choſes que ſont entiers. Si come vn tient terres per ſervice de payer a ſon Seignior annuelmēt a tiel ſealt, vn chival, eſquer, vn roſe, vn chery, ou tiels ſemblables, la ſi le Seign

of which it was to be payed, is ſeperated & diuided, the rent alſo ſhall be deuided, having reſpect to the parts. As if a man haue rent ſervice iſſuing out of land, & he purchaſeth parcel of the land, the rent ſhall be apportioned, according to the value of the land.

So if a man holde his land of another by homaſe, fealtie, eſcuage, and certain rent, if the Lord of ſuch land is holde, purchaſe parcel of the land, the rent ſhall be apportioned.

Alſo if a man let land for yeares reſerveng rent, & after a ſtranger recoquer part of the land, then the rent ſhall be apportioned, & is to ſay deuided, and the leſſee ſhall pay having reſpect to that which is recovered, and to that which yet remaines in his hand according to the value.

But a rent charge cannot bee apportioned, things that are entere: as one holde land by ſervice to pay to his Lord yearly ſuch a ſealt, a horse, a hawk, a hound, or ſuch like, there if the

Purchase portcel of the land, purchase parcel de la terre, this seruice is gone alto: cest seruice est tout a le, gether, because a Hoyle, a pur ceo que vn chival, a Houke, a Rose, a Cherrie, peruer, rose, ou vn cherie, and such other cannot bee & tielx aus ne poient estre divided, severed, or appor: deuide, seuered, ou appor- tioned, without hurt to the cion, sans damage al ent- whole. terte.

Appropriations.

Appropriations.

Appropriations were when **A**ppropriations fueront those houses of the Ro: quant ceux meisons de mth Religion, and those le Romish Religion, & Kingdom persons, as ceux Religions persons, Abbots, Bishops, and such come Abbots, Priors, & like, had the aduowson of tielx semblables, auoient any Parsonage to them & le aduowson de alcun Par- to their successors, & obtai- sonage al eux & a leur suc- ned licence of their holp cessours, & obtaine li- father the Pope, and of cence de leur S. Pere le the Ordinarie and King, Pape, & de le Ordinarie that they themselves, and & Roy, que ils meismes & their successors from thence leur successeurs de ceo en forth should bee Parsons auant doient estre Parsons there, and that it shall bee la, & il serra en auant vn from thenceforth a Vicar- Vicarage, & que le Vicar- rage, and that the Vicar- seruera le Cure. Et issint that serue the Cure. And al commencement Ap- so at the beginning appo- propriations fueront fais- priations were made one- solement a ceux persons to those persons Spi- spirituals, que pouoient ritual that could minister minister les Sacraments, the Sacraments, and say & dire diuine Service, diuine seruice, as Abbots, come Abbes, Priors, Dea- Bishops, Deanes, and such nes, & tielx semblables. like. After by little a little Apres per petite & pe- they were enlarged and tite ils fueront enlarge &

The exposition of

fait al auters, come nos- made to other, as namely
meint al Deane & Chap- to a Deane and Chapter
ter, quel est corps corpo- which is bodie, corporate
rat, consisting de plusors, consisting of many, which
quel corps ensemble ne bodie together could ne
puissone dire diuine ser- say diuine service, and the
uice, & que plus fuit, al moze was, to sume the
Nuns que fuerot Priores- were Prioresses to some
ses de alcun Nunric, quel Nunry, which was a wor-
fuit chose horrible, entant- ked thing, in so much as
que ils ne pussient mini- they could neither ministr
ster Sacraments, ne preach Sacraments, nor preach
ne dire diuine service al noz say diuine service to the
parochians, parishioners.

Et tout ceo fuit sur pre- And all this was upon
tence de hospitalite & pretence of hospitalite and
maintenance de yeel. Et maintenance thereof. And
de supplier cel defecte, to supply these defects
un Vicar fuit denise, quel vicar was denised, who
serroit deputie al Proce- should be Deputie to the
ou Deane & Chapter, & Priors, as to the Deane
aux al darrein al dit Ab- and Chapter, & also at the
bes, & auters a dire di- last to the said Abbots,
uine service, & il aueroit others to say diuine Ser-
pur son labour, forsq; pe- uice, & should haue for his
tite portion, & ils a quel labour but a little portion,
le appropriations fuerot they to whome the appropria-
fait reteniront le grand- tions were made should
reuenues, & ils fesoient retain the greater revenues
rien pur ceo, per meanes and they did nothing for
de quel hospitalite decay by meanes wherof hospi-
en le lieu ou il doit estre talite decayed in the place
chiefement garde, nisme- where it ought to haue been
ment en le Pariss ou le chiefly maintained, nam-
benefice fuit, & ou les- ly in the parish where the
benefice was, & wherof

mod
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learn
rithu
and
Goly
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certa
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profits did grow, and so it continued to this day, to the great hinderance of learning, to the impoverishment of the ministerie, and to the infamie of the Gospel, and professors thereof.

The Vicar shall have a certaine portion of the benefice, and the Abbot and the Couent shall bee Parsons, & shall haue the other profits: This is called appropriation; and then the Abbot and Couent shall be Parsons imparsones. But such Appropriation may not bee made to begin in the life of the Parson without his assent.

But if such aduocacions of the Parsonage be recovered by ancient title, then the Appropriation is aduallied. And it is called appropriation, for that they holde the profits to their owne proper vie.

Approuement.

Approuement, is where a man hath common in the Lordes wast ground, and the Lord encloseth part of the wast for himselfe, leauing neuerthelesse

profits cressioient & issint il conuinque iaque a cest iour, al grand hinderance de erudition, al impoverishment de le Ministerie, & le infamie de la Gospel, & le professeurs de ycel.

Le Vicar auera vn certaine portion del benefice, & que le Abbe & le Couent serront Parsons, & aueront les auters profits: cest appelle vn appropriation, & donques le Abbe & le Couent serront Parsons imparsones: mes tiel appropriation ne poit estre fait a commencer en le vie le Parson sauns son assent.

Mes si tiel Aduocacion al parsonage soit recouet par ancient title, doques l'appropriation est adnulle. Et cest appel Appropriation, pur ceo que ils reigne les profits al leur proper vie.

Approuement.

Approuement, est lou vn home ad. comon en le wast terre del Seignior, & le seignior enclose pt del wast terr pur luy mesme, relinquant nient obstar

The Exposition of

sufficient common oue e- sufficient common with
gressie & regresse pur les egressie and regresse for the
commoners: Cest inclo- commoners. This inclo-
sure est appell inproperme- sure is called approuement

33 Arbitrement.

ARbitrement, est vn a-
ward, determination,
ou iudgement, quel vn ou
plusors font al request de
deux parties al meines,
pur, & sur ascun det, tres-
passe, ou autre controuer-
sie ewe peremer les dits
parties. Et cest appel en
Latin Arbitratus. & Arbi-
trium, & ils que font le a-
ward ou arbitrement font
appel Arbitri, en Anglois
Arbitrators.

34 Arrest.

ARrest, est quant vn est
pris & restraîne a son
libertie. Nul serra arrest
pur det, trespassse, detinue,
ou autre cause de action,
mes per vertue dun pre-
cept, ou commandement
hors de ascun court. Mes
pur Treason, Felonie, ou
debruser del peace, ches-
cun home ad authori-
tie de arrester sauns gar-
rancié ou precept. Et lou
vn serra arrest pur felony.
il couient que ascun felo-

Abitrement.

ARbitrement, is an a-
ward, determination, of
iudgement, which one or
more maketh at the request
of two parties at the least,
for, and upon some debt,
trespasse, or other contro-
uersie had between the said
parties. And this is called
in Latin Arbitratus & Arbi-
trium, and they that make
the award of arbitrement
are called Arbitri, in En-
glish Arbitrators.

Arrest.

ARrest, is when one is ta-
ken and restrained from
his libertie. None shall bee
arrested for debt, trespassse,
detinue, or other cause of
action, but by vertue of a
precept, or commandement
out of some court. But for
treason, felonie, or break-
ing of the peace, every man
hath authoritie to arrest
without warrant or pre-
cept. And where one shall
be arrested for felonie, it
becometh that some Felon

nie

nie be done, and that hee
be suspected of the same fe-
lonie, or otherwise he may
haue against him that so
did arrest him, a writ of
false imprisonment. And
when any man shall bee
arrested for felony, hee
shalbe brought to the gaile,
there to abide until the
next Sessions for to be in-
dicted, or for to be deliuered
by proclamation.

Arrerages.

Arrerages are duties be-
hind unpaid after the
dayes and times in which
they were due, and ought
to haue bin paid whether
they be rent of a manor or
any other thing reserved.

Arrerages.

Arrerages for duties are
rents not pay apres le
iours & temps, en quel ils
fueront dues, & doyent a-
uer estre paies, soyent ils
rent de mannor, ou ascun
auter chose reservee.

Assets.

Assets is in two sorts, the
one called (assets per
discient) the other (assets
per maines.) Assets per
discient is where a man is
bound in an obligation, and
byeth seised of lands in fee
simple, which descend to
his heire, then his land
shalbe called assets, that is
to say, enough or sufficient
to pay the same debt, & by
that meanes the heire shal
be charged on forre as the

Assets.

Assets est en deux sortes
l'un appel (Assets per
discient) l'auter (Assets en-
ter maines.) Assets per
discient est lou vn home
est oblige, en vn obliga-
tion & moruit seisy de ser-
res de fee simple, queux
descende a son heire, don-
ques cest terre setra appel
assets, cest adire suffisient
de payer cest dette & per
cest meanes le heire ser-
ra charge cy auant que le

The Exposition of

terre issint a luy discende: land so to him discended
voyle stretch, mes sil ad a: will stretch. But if he
lien deuant que le obli- haue aliened before the ob-
gation soit mise en suite, il- ligation be put in suite: he
est discharge. is discharged.

Auxy quant vn home: Also when a man seise
seisi de terre en taylor, ou of lands in taylor, or in the
en droit de son feme, ali- right of his wife alieneth
en ceo oue garratie & ad the same with warrantie
en value tant terre e fee- and hath in value as much
simple, que discende a son lands in fee simple, which
heire, que est auxy heire descendeth to his heir, who
en taile ou heire al feme: is also heir in taile or heire
Ore si le heire apres le to the woman: Now if the
mort son ancestor port vn heire after the decease of
brieft de Formedon ou his ancestor bring a writ
sur cui in vita, pur le terre of Formedon, or sur cui in
issint alien, donques il serr vita, for the land so aliened,
barre per reason dun gar- then he shall be barred by
ranty & le terre issint dis- reason of the warrantie
cend que est tant en value and the land so discended,
come ceo que fuit vende, which is as much in vol-
& issint per ceo il nad re- ue as that was sold, and so
ceiue aucun piudice, & pur thereby he hath recovered no
ceo cest terre est appel Af- preiudice, and therefore this
sets per discent land is called Affers per
discent.

Affers enter maines est: Affers enter maines, is
quant vn home ender, when a man indebted, or
come deuant est dit, fait before is said, maketh ex-
executors & relinquit a- cutors, and leueth to them
eux issint de payer, ou as- sufficient to pay, or some
cun commodite ou profit comodele or profit to come
est venus al eux en droit into the right of them
loint restatour, cest appel restatour, this is the Af-
Affers en leur maines: fers in their hands.

Assignee.

A Ssignee, is hee to whom
a thing is appointed or
assigned to bee occupied,
such a person which occu-
pieth or hath & thing so as-
signed in his owne right, &
by himselfe: & of assignees
there be two sorts, namely,
Assignee in deed and assign-
ee in lawe: Assignee in
deed is when a Lease is
granted to a man and to his
assignes or without those
wordes, assignes, and the
grantee giveth, granteth,
or selleth the same lease to
another, he is his Assignee
in deed. Assignee in lawe is
every executor named by
the testator in his testamēt.
If a Lease be made to a
man & to his assignes (as
is aforesaid) & hee maketh
his executors, and dieth
without assignment of the
lease to any other: Now &
executors shall have the
same Lease, because they
are his assignes in lawe.
And so it is in other cases.

Assise.

A Ssise, is writt, and it
lieth where any man is
put out of his landes or

Assignee.

A Ssignee est celuy a que
vn chose est appoint,
ou assigne destte occupie,
pay ou fait, & est toutes
foits tiel person, que occu-
py ou ad le chose issint as-
signe en son droit demesne
& pur luy mesme: Et de
Assignees il y ſoit ij. sorts,
noſment, Assignee en fait,
& Assignee en ley. Assign-
ee en fait est quant vn
Leas est graunt al vn & a
les Assignees ou sans ceuz
pols. Assignees, & le gran-
tee done, graūt ou vende
le dit Leas al autre, il est
son Assignee en fait. As-
signee en le ley est chescū
executor noſme per le te-
stator en son testament: si
come vn Leas soit fait al
vn home & a les Assignees
(si come est auantdit) & il
fait ses execus & morust
sans assignment del Leas
al aucun aut. Ore les exe-
cutors aua in le Less pur
ce q ils sont les Assignees
en ley. Et issint est en au-
ters semblables cesa,

Assise.

A Ssise est vn brieve de
giſt ou aſcun home est
mis hors de son terre ou
tene-

The Exposition of

tenemens ou de aucun profit aprend est certain lieu, & issint disseisi de s6 frak-tenem6r. Franktenement a aucun home est lou il est seisi de terres ou tenements ou profit a prendre in fee simple, fee taile, pur terme de son vie demesli, ou pur terme d'auter vie. Mes tenaunt per Elegit, tenaunt per statute Merchant & statut Staple poient auer alsise, comt que ils nont franktenement, & cest est ordaine per diuers statutes.

Auxy en Alsise il couient tous foirs que il soit vn disseisor & tenaunt, ou autrement le brieve abatera.

Auxy ou vn home est disseisi6 & recouera p alsise de nouel disseisin, & puis est autrefois disseisi per mesme le disseisor, il auera vers luy vn brieve de redisseisin directe al vicount de faire inquisition, & si troue soit le redisseisin, il serra mis en prison. Auxy si home recouera per Alsise de Mortuancester ou per autre luy, ou per default ou

tenements, or of any profit to be taken in a certain place, and so disseised of his freehold. Freehold to any man is where hee taketh seisin of landes and tenements or profit to be taken in fee simple, fee taile, for term of his owne life, or for term of another mans life. But the tenant by Elegit, tenant by Statute Merchant and Statute Staple may haue assise, notwithstanding that they haue no freehold, and this is ordeined by diuers statutes.

Also in an Assise it is needful alwaies that there be one disseisor and one tenaunt, or otherwise it shall abate.

Also where a man is disseised & recovereth by assise of nouell disseisin a second ward is againe disseised by the same disseisor, hee shall haue against him a writ of redisseisin directed to the Shertif to make inquisition, and if the redisseisin be found, hee shall be sent to prison. Also if one recover by Assise of Mortuancester or by default, or by

redemption, that the disseisor shall be sent to prison. And the assise shall be taken by the assise of mortuancester, or by default, or by redemption.

reddition, and if hee be an-
 other time disseised, then
 he shall haue a writ of Post
 disseisin, and he which is
 taken and imprisoned for
 disseisin, shall not be deli-
 uered without special com-
 mandment of the King.
 See the Statutes thereof
 in Merton cap. 3. Marlebridge
 cap. 3. & Westm 2. cap. 26.
 There is also an other Af-
 fise called Affise of Fresh
 force, and lyeth where a
 man is disseised of tenements
 which are deuilsable, as in
 the Citie of London, or o-
 ther Borowghes or towne
 that be Franchises, then
 the defendaunt shall come
 into the Court of the sayd
 Towne, & enter his plaint
 and shall haue a writ di-
 rected to the Mayor, or
 Bailiffs &c. and thereupon
 shall passe a Iurie in ma-
 ner of Affise of Nouel dis-
 seisin. But it becometh that
 he do enter his plaint with-
 in fortye daies, as it is said,
 or otherwise hee shall be
 sent to the common Law.
 And if the Officers delay
 the execution, then the
 plaintife shall haue an o-
 ther writ to haue execu-

reddition, & si soit au-
 terfois disseisin, il auera
 donques vn brieve de Post
 disseisin, & cestuy que est
 pris & imprison pur redi-
 seisin, ne serra deliuer sans
 especial commandement
 le Roy. Vide les estatutes
 inde Merton cap. 3. Marl-
 bridge cap. 3. et West-
 minster 2. cap. 26. Auxy
 il est vn autre Affise ap-
 pel Affise de Fresh force,
 & gist lou home est dis-
 seise de tenemens queux
 sont deuilsables, come en
 le Citie de Londres, ou
 autre Borowghes, ou vil-
 les, que sont Enfranchi-
 chises, donques le defen-
 dant viendra en le Court
 de dit ville, & entra son
 plaint, & auera vn brieve
 direct al Maior, ou Bay-
 liffes, &c. et sur ceo pas-
 sera vn Iurie, en manner
 de Affise de Nouel dis-
 seisin. Mes il conient que
 il enter son plaint deins
 quadragint iours, vt dici-
 tur, ou autrement il ser-
 ra misse a le common
 Ley. Et si les ministers
 delaie executions, don-
 ques le plaintife auera vn
 autre brieve d'auer execu-
 tion.

The Exposition of

tion, Et Sicut alias, & vn tion, And a Sicut alias, & Pluris &c. Vide Littleton Pluries &c. *See* List cap. Rents, Assise est nōm Rents, *Assise* is a word equiuocum &c. two significations, &c.

59 Assise de Darreine Assise de Darrein pre-
presentment. sentment.

A Assise de Darreine pre- **A** Assise de Darreine pre-
sentment, vide de ceo sentment, loke thereof
apres tit Quare impedit. the title Quare impedit.

60 Assise de Mordaun- Assise de Mordaun-
cester. cester.

A Assise de Mordauncester **A** Assise de Mordauncester
vide de ceo apres titulo loke thereof in the title
Cofinage. Cofinage.

61 Attainder. Attainder.

A Trainder, est vn conui- **A** Trainder, is a conviction
sion d'aucun person dū of any person of a crime
crime ou fault, dont il ne or fault, whereof he was
fuit conuict deuant, sicom not conuict before, as if
vn home fait felonie, trea- man haue committed felo-
son, ou tiel semblables, & ny, treason, or such like, and
de ceo est endict, arraigne therof is conuict, arraign-
& troue guilty & ad iudge- ned, & found guilty, & hath
ment, donques il est dit indgement, then he is said
deste attainr, & ceo poit to be attained, & this may
estre deux voies, lun sur ap- be two waies, the one by
parance, le autre sur de- apparence, the other by
fault: le attainder sur ap- default: the attainder by
parance est per confessio, apparence is by confession
bataille, ou verdict, le at- bataille, or verdict, the at-
tainder sur default est per tainder by default is by
proces tanq il soit vilage. process until hee bee out-
lawed.

62 Attainr. Attainr.

A Trainr, est vn briefe, **A** Trainr, is a writ and
& qd lon fait verdict. is where false verdict
is

is given by twelve men, & est done per xij homes, & judgement given thereon, iudgement done sur ceo, that the partie against donques le ptie vers que whom they have passed, ils auoyent passe aua cest shall have a writ against bre vera les douze homes, the twelve men, and when & quant ils sont a issue, il they be againe, it shall bee serra trie per vint quarter tryed by xiiij. Jurors, and Iurors, & si faux verdict if the said verdit be found, soit troue, les douze Iu- the twelve men be attaint, rours sont attaine, & don- and then the iudgement ques le iudger serra que shall bee, that their ned- leur prees serront ayres, dores shall be tryed, their leur measons destruses, houses broken down, their leur boyes subuerres, & woods turned vp, and all rours leur terres & tene- their lands and tenements ments forfait al Roy, mes forfeited to the King, but sil passa encounter celuy que port cest Attainr, il if it passe against him that serra imprison, & grie- brought that attaint, bee uouslyment rancome al vo- shall be imprisoned, & gre- luntle Roy. Vide le Sta- uously rancome at the R. tute 23. H. 8. cap. 3. Attaint 20. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.

Attournement.
A Trouernement, is when one is tenant for terme of life, and yet in reuerſion or remainder granteth his right or estate to another, then it behoereth the tenant for terme of life to agree thereto, and this agree- ment is called an Attourn- ment.

Attournement.
A Trouernement, est quant vn est tenant pur terme de vie, & celiuy en le re- uersion ou remaind gran- ta son droit ou estate a vn autre, donques il couient que le tenant pur term de vie agree a ceo, & cest a- greement est appel attourn- ment,

The Exposition of

mēt, car si cestuy en le re-
uerſion graunt ſon eſtate
& ſon droit a vn auſ, ſi le
tenant pur term de vie ne
attourna, riens paſſe p le
graunt.

Mes ſil ſoit graunt per
ſine in Court de record, il
ſerra compell' de attour-
ner. Et vide de ceo apres
titulo. Quid iuris clamar.
Vide pluſ de ceo en *Littl.*
lib. 3. cap. 10.

ment, ſoz if he in the re-
uerſion graunt his eſtate
his right to another, the
tenant for terme of life
tourne not, nothing paſſe
by the graunt.

But if it be graunted
ſine in Court of Record
ſhall bee compelled to
tourne. And loke there
after in the title Quid i-
uris clamar. And moze of the
title in *Littl. lib. 3. c. 10.*

64 Audita querela.

AVdita querela, eſt vn
brieſe, & giſt lou vn eſt
oblige en vn eſtatut Mer-
chant, eſtatute Staple, ou
recogniſans, ou lou iudg-
mēt eſt done vers luy pur
dette, & ſon corps en exe-
cution ſur ceo, donques
ſi ad vn releas, ou autre
ſufficiēt matter deſte diſ-
charge del execution, mes
nad iour de c' pleder, don-
ques il auera ceſt brieſe
vers ceſtuy que ad reco-
uer, ou vers les executors.

Audita querela.

AVdita querela, is a ſort
and it lieth where
is bound in a Statute of
Merchant, Statute Staple,
Recogniſance, or where
indgement is given againſt
him for debt, and his body
in execution thereupon
then if he haue a releas,
other matter ſufficient
to be diſcharged of execution,
but hath no day in Court
there to plead it, then
he ſhall haue this writ
againſt him which hath
executed, or againſt his
executors.

65 Auerment.

AVerment, eſt lou vn
home pleder vn ples en

Auerment.

AVerment, is where
a man pleadeth a plea
about

abatement of the writ of abatement de brieve ou bar
 parte of the action, which daction, quel il dist, il est
 as saith hee is ready to prist de prouer come le
 as the Court will Court voit agarde, cest of-
 ward, this offer to proue fer de prouer son plee est
 as plee is called an Auer- appelle vn Auerment.

Auerpeny.
 Auerpeny, that is to bee Auerpeny, hoc est quiet
 quit of piers summes e de diuersis denarijs
 of money for the Kings a pro aueragijs domini Re-
 uerages.

67 Auncient demesne.
 AVncient demesne are AVncien demesne sont
 certaine tenures holden certaine tenures tenus
 of those Mannors that de ceux Manors queux
 were in the hands of S. fueront en maines de S.
 Edward the Confessor, & Edw. le Confessor, & les
 the which hee made to be queux il fist escrier en vn
 written in a booke called lieur appelle Domes day,
 Domes day, sub titulo Re- Sub titulo Regis, & toutes
 gis, and all the landes hol- les terres tenus del dit
 den of the said Mannors Manors sont auncien de-
 are auncient demesne, and mesne, & les tenants ne
 the tenants shall not bee serront implede hors del
 impleaded out of the said dit Manors, & s'ils soient,
 Mannors, and if they bee, ils poient monstre le mat-
 they may shew the matter, ter & abater le brieve, mes
 and abate the writ: but if s'ils respond al brieve &
 they answers to the writ, plede, & iudgement done,
 and iudgement bee given, donques les terres sont
 then the landes become deuenus frank fee a tous
 franke fee for ever. Also the iourz. Auxy tous tenants
 tenants in auncient de en auncien demesne sont
 mesne, be free of tole for all franke de tole, pur tous
 choses

The Exposition of

choles concernant leur things concerning the
viand & husbandrie en sustenance and husbandry
auncien demesne, & pur in auncient demesne; an-
tiels terres ils ne serront for such landes they shal
mis ne empanel sur ascun not bee put or impanelled
enquest. Mes tous les ter- bypon any enquest. But
res en auncien demesne the landes in auncient
queux sont en maines le mesne, that are in the king
Roy, sont frank fee & ple- handes, be franke fee and
dable al common Ley. pleadable at the Common
Veies plus apres en le title Last. De moze after
Sokmans. the title Sokmans.

68 Anowrie.

AVowrie est lou vn prist
distresse pur rēt ou au-
ser chose, & laus sua Re-
plein, dōques celuy que
auoit ceo prise iustifier en
son plee, pur quel cause il
prist ceo, & si il prist ceo
en son droit demesne il
doit ceo monstre, et ilsint
auowa le prisel et ceo est
appel son anowrie. Mes si
ceo prist in ou pur le droit
de vn aut, donques quant
il auoir monstre le cause,
il fera conuissance del pri-
sel, come baille ou seruant
a celuy en que dēt il prist
ceo.

Anowrie.

AVowrie, is wherē
taketh a distresse
rent of other thing; and
other tithing replewin, the
hee that hath taken it shal
iustifie in his plee, for
what cause he took it, and
if he took it in his own
right hee ought to shewe
that, and so anowrie the
thing, and that is called
anowrie: but if he took it
in or for the right of an-
ther, then when hee hath
shewed the cause, hee shal
make conuissance of the co-
thing; as baille or seruant
to him in whose right he
did take it.

B. Bailment. **B.** Bailment. **B.** Bailment.

B Aile, is whē a man is taken or arrested for felony, suspicion of felony, indicted of felony, or any such case, so that he is restrained of his libertie. And being by law bayled, he offereth suertie to those which haue authoritie to bayle him, which suerties are bound for him to the Kings use, in a certain summe of money, or bodie for bodie, that he shall appeare before the Just. of Gaole delinerie at the next Sessions, &c. Then upon the bonds of these suerties as is aforesaid, he is bayled, that is to say, set at libertie untill the day appointed for his appearance.

70 Bailment.

B Aylement, is a delinerie of things whether it be of wittingly, goods, or shall, to another, sometimes to be delinered backe to the bailor, that is to say,

B Aile, est quāt vn hōe est prise ou arrest pur felony, suspiciō de felony, indictē de felony, ou asc' tiel case, assint que il ē restrain de son libertie. Et esteant p le ley baylable, offereth suertie al-eux que ont authoritie de luy bayler, queux suerties, sont oblige pur luy al vse le roy en certain summe d'argent, ou corps pur corps, que il appeat a deuant les iustices de Gaole delinerie al procheinne Sessions, &c. Donques sur les bonds de ceux suerties, come est auantdit, il est baile, cest a dire mis al libertie rancq le iour appoint pur son apparance.

Bailment.

B Aylement, est vn delinerie de choses, soyent ils de escripts, biens ou stufie al auter, aucun foirs destre redelinuer a rere al baylor, cest adire,

E

al

The exposition of

al celuy que issiat deliuer
ceo, ascun foirs al vse del
baylee, cest adire, de luy a
que il est deliuer, & ascun
foirs auxy il est deliuer a
vn tierce person, cest deli
uerie est appel vn bayle
ment.

to him that so deliuered it
sometimes to the vse of the
baylee, that is to say, of him
to whom it is deliuered,
sometimes also it is deli
uered to a third person, the
deliuerie is called a bayle
ment.

71 Baylife.

BAilife est vn officer que
appertient a vn manor
pur order le husbandry, &
ad authorite de payer
quite rents issuat hors del
manor, succider arbres,
reparre les measons, faire
pales, haies, distraire auers
damage felant sur le terr,
& diuers tiels sembla
bles.

Cest officer e celuy que
les auncient Saxons ont
appel vn Recue, car le
nomme Bailife ne fuit do
ques conu en eux, mes
vient eins oue les Nor
mans, & est appel en La
tine Villicus.

Baylife.

BAylife, is an officer the
belongeth to a manor
to order the husbandry, and
hath authorite to pay
quite rents issuing out of
the manor, fell trees, re
pair houses, make pales
hedges, distraine beasts
doing hurt upon the
ground, and diuers suc
like.

This officer is he for
the auncient Saxons cal
led a Recue, for the name
Bailife was not yet kno
wen amongst them, but
came in with the Nor
mans, and is called in La
tine Villicus.

72 Backberind theefe.

Backberind theefe, e vn
laron q est prise oue le
maner, cest adire, aiant e
sone sur luy (estant pue

Backberind theefe.

Backberind theefe, is
theefe that is taken
with the maner, that is to
say, having that found on
him (being followe

with the hue and cry, which has both stolen, whether it be money, linen, wollen, or other stuffe: it is most properly so, when he is taken carrying those things that he hath stolen in a bundell or bundell on his backe.

Bargaine and sale.

Bargaine and sale, is where a recompence is given both the parties to the bargain: as if one bargain to sell his land to another for money, here the money is a recompence to him the money, and the money is a recompence to the other for the land, and this is a good contract and bargain, and see simple purchase notwithstanding here it is not say to have and hold the land to him and his heires. And by such bargain and sale lands may passe without livery or seisin, if the bargain and sale be by deed indented, sealed and enrolled either in the countie where the land is, or in one of the Kings Courts of record at Westminster. Within vij. moneths

ou le hue & cry le quel il ad emblee, soit il money, linen, wollen, ou autre stuffe: mes il est plus proprement dit, quant il est prise portant tielx choses que il ad emblee en un bundel ou fardel sur son dorse.

Bargaine & sale.

Again & sale est quant un recompence est doe per ambideux les parties al bargain: come si un bargain & vend son terf al autre pur argent, icy le terre est un recompence a luy pur le argent, & l'argent est un recompence al autre pur le terre, & ceo est un bone contract & bargain; & see simple purchase nient obstant il ne dit a auer & tener le fre a luy & a ses heires. Et per tiel bargain & sale terres poient passe sans livery de seisin, si le bargain & sale soit p fait endent, seale & enrolle, ou en le Countie ou le terre gift, ou en un des Courts del Roy de Record al Westminster deins sixe mois.

The exposition of

prochein apres le date de
mesme le escript endent,
accordant al statut en ceo
case fait en le 27. añ de H.
8. cap. 16.

next after the date of
saide writing indented
corroding to the Statute
that behalfe made in
27. yere of H. 8. cap. 16.

74 Barre.
BArre, est quāt le defen-
dant en aucun action
plede vn plee que est vn
sufficient respons, & ceo
adnul le action del plain-
tife a tout iours.

Barre.
BArre, is when the de-
fendant in any action
pledeth a plee which is a
sufficient answer, and
destroyeth the action of
plaintiffe for ever.

75 Base fee.
TEnir en Fee base, est a
tenir a volunt le Seig-
nour.

Base fee.
TO holde in Fee base,
is to holde at the will
of the Lord.

76 Bastard.
BAstard, est celuy que est
nee de ascū feme nient
esponse, issint que sō pere
nest conus p le order del
ley, & pur c' il est dit filius
populi.

Bastard.
BAstard, is he that is
born of any woman not
married, so that his father
not known by the order
of the law, and therfore
called the childe of
people.

Mes per la ley del Ro-
mish Esglise, si vn engen-
der vn enfant sur ascun
feme, quel enfant est nec
hors del espousels, & puis
il spouse mesme la feme,
conquestiel enfant terra
de Mulier, & nemy ba-
stard.

But by the lawe of
Romish Church, if
get a childe upon a
woman, which childe is
born out of weddoche, and
hee marrie the same
woman, then such a childe
be said Mulier, and not
bastard.

But by the law of Eng-
land he is a Bastard, and
that cause when such
special bastardie is alleged,
it shall bee tried by the
countie, and not by the
Bishop. But generally
bastardie alleged shall bee
tried by the certificate of
the Bishop.

And if a woman be great
with child by her husband
the first, and shee taketh
another husband, and af-
ter the child is borne, this
child shall bee said the child
of the first husband. But
if shee were pryncesse with
some at the time of the
death of her first husband,
then it shall be said the child
of the second husband. But
enquire farther and see the
opinion of Thorpe 21.E.3.

Also if a man take a wife
which is great with child
of another that was not
his husband, and after the
child is borne within the
wedlocke it shall be said
the child of the husband,
though it were borne but
a day after the espousals
were made.

Mes per la ley Dengele-
terre il est bastard, & pur
cest cause quant tiel espe-
cial bastardie est alleage,
il serra trie per le pays, &
nemy per Leuesque. Mes
generalment bastardie al-
leage serra trie per le cer-
tificate del Euesque.

Et si vn feme soit grosse
de enfant per son baron
que morust, & il prist au-
ter baron, & apres le en-
fant est nec, cest enfant
serra dit le infant le pri-
mer baron. Mes si el fuit
priement enseint al tēpa
del mort sa primer baron,
donques il serra dit le en-
fant de second baron. Sed
Quere & veies le opinion
de Thorpe 21.E.3.39.

Auxy si vn home prent
feme que soit grossement
enseint per ascū autre que
ne fuit son baron, & apres
lenfant est nec deins les es-
pousels, donques il serra
dit lenfant le baron, mes-
que il fuit nec forsque vn
iour apres les espousels so-
lent pryncer.

BAttaile, est vn ancient trial in nostre ley que le defendât en vn appeal de murder, robbery, ou felony poit esier, cestassauoir, a combater oue lappellant, pur proof sil soit culpable del felony ou non: quel combate sil succede cybien del part le defendant que il vanquish lappellant, il alera quite, & luy barrera de son appeal a tous iours. Mes si vn soit indiât de felony, & vn appeale est port sur mesm le indictment, la le defendant ne gagera le bataille: Battaile auxy poit estre e vn brieve de Droit.

BAttaile, is an ancient trial in our law, for the defendant in an appeal of murder, robbery, or felony may chuse, that is say, to fight with the appellant, for proof whether he be culpable of the felony or not: which combate, it shal out so wel on the part of the defendant that he vanquish the appellant, shal go quit, & barre him his appeal for euer. But one be indiæd of felony, an appeale is brought on the same indictment there the defendant shal not wage bataille: Battaile also may be in a writ of Right.

Bigamy, fuit vn counterplee (denied al Counsel de Lions, sur mislike de second marriage) este obieât quant le prisoner demande le benefice del Clergie, cestassauoir, son liuer, come nosme ment a dite, que il que demande le priuilege del Clergie, fuit marria

Bigamie, was a counterplea (denied at the Council of Lions, by mislike of second marriage) to be objected when a prisoner demandeth the benefice of the Clergie, with his book, as namely say, I be so much demanded the priuilege of the Clergie, was married to another.

a woman at such a place,
within such a diocese, and
that she is dead, and that
she hath married another
woman within the same
diocese or within some o-
ther dioces, and so is Bi-
gamous. Or if he have been
but once married, then to
say, that she whom he hath
married, is or was a wid-
ow, that is to say, the left
woman of such a one, &c.
which thing shall be tryed
by the Bishop of the dio-
ces where the marriages
are alleged. And being
so certified by the Bishop,
the prisoner shall lose the
benefit of the clergy: But
at this day by force of the
act made in 25. 1. C. 6. cap.
11. this is no plea, but that
he may haue his Clergie
that notwithstanding,

So is Brooke. titulo
Clergie placito 20. to the
same purpose. And here-
upon if you be desirous to
see what reason they haue
that perswade against se-
cond marriages, reade a-
mong many others Francis
Petrahe of remedies for
both fortunes, the first
bake and lxxvj. Dialogue,

tiel feme, en tiel lieu,
deins tiel dioces, & que il
est mort, & que il ad apres
marié vn autre feme de-
ins mesme le dioces ou
deins ascun autre dioces-
ses, & issint Bigamus. Ou
sil nad este forsqu' vn téps
marie, donques adire que
el que il espouse é, ou fuit
vn viefce, cest adire, le reli-
cte dun tiel &c. Le quel
chose serra trie per Leuef-
que de le Diocese ou le
espousels sont alleage. Et
esteant issint certifie per
Leuefque, le prisonier per-
dera le benefit del Clergy:
Mes al cest iour per force
de le acte fait en An 25. 1.
Edw. 6. cap. 12. cest nul
plea, mes que il poert auer
son Clergie ceo nient ob-
stant.

Issint est Brooke. titu-
lo Clergie placito 20. al
mesme purpose. Et sur
ceosi vous estes desirous
de veyer queux raisons ils
ont que perswade enuers
second espousels, lege enf
dinors autres Francis Pe-
trache de remedijs vtrij-
usque Fortune, le premier
liuer & lxxvj. Dialogue,

The Exposition of

intituled de secunda nup- intituled of the second mariage
tys, quel lieu ore tarde which book now of late
Maister Thom Twine ad Thomas Twine hath be-
bien. So oue bon grace ry well, & with good grace
(come ils poient iudger (as they that can iudge
diont) translate hors de say) translated out of La-
Latin en Anglois, & multi- tin into English, and mul-
apment appel' ceo Phy- aptly called is Physicke
sicke encounter fortune, gainst fortune.

79 Bloodwit.

Bloodwit, hoc est quietu
esse de amerciaments
de sanguinis fuso, & quæ re-
neantur placita in curia
vestra, habebitis amercia-
ment inde prouenientia,
quia (wit) en Anglois est
misericordia in Latin.

80 Boote.

BOot, est vn viel parol, &
il signifie help, succour,
ayde, ou aduantage, & est
communement ioine oue
vn autre parol, que signifi-
cation il augment, come
ceux bridgeboote, burgh-
boote, fireboote, hedge-
boote, plowboote, & diuis
rich semblables, par queux
significations, veies en leur
proper titles.

Bloodwit.

Bloodwit, that is, to be
quit of amerciaments for
bloodshedding; and wher-
pleas are holden in your
court, you shall have the
amerciaments thereof com-
ming, because (wit) in eng-
lish, is misericordia in latin.

Boote.

BOote, is an old word, &
signifieth helpe, succour,
aide, or aduantage; and is
commonly toynd with an
other word, whose signifi-
cation it doth augment, as
these, bridgeboote, burgh-
boote, fireboote, hedgeboote,
plowboote, and diuers o-
thers such like, for whose
significations looke in their
proper titles.

81 Brood.

31 Broodhalpeny.

Broodhalpeny.

Broodhalpeny, in some copies Broodhalbeny, that is to bee quit of a certaine custome, exacted for setting up of tables.

Broodhalpeny, en ascun copies Broodhalbeny, hoc est, quietum esse de quadam consuetudine exacta pro tabulis leuatis.

32 Burgage.

Burgage.

TO hold in Burgage, is to hold as if the Burgeis hold of the King, or of another Lord landes or tenements, paying to him a certaine rent by the yere, or else there where another man then Burgeis holdeth of any Lord landes or tenements in burgage, paying to him a certaine rent by yere.

Tener en Burgage, est a tener si come les burgeis teignēt de roy, ou de aut Seignior terres ou tenements rendant a luy un certaine rent per an, ou autrement la ou un autre home que Burgeis tient d'ascun Seignior terres ou tenements en Burgage rendant a luy un certain rent per an.

33 Brugbote.

Burghbote.

Brugbote, (and in some copies Bridgbote) that is to be quite of giving aide to the repoyring of brydges.

Brugbote (& en ascuns copies Bridgbote) hoc est quietum esse de auxilio dando ad reficiendum pontes.

34 Burghbote.

Burghbote.

Burghbote, that is to be quite of giving ayde to make a Borough, Castell, Citie, or walled towne.

Burghbote, hoc est quietum esse de auxilio dando ad faciendum Burgum, Castellum, Civitatem vel muros prostrata.

35 Burgh-

The Exposition of

35 Burbreach.

BVrghbreach, hoc ē qui-
et esse de transgressio-
nibus factis in ciuitate vel
Burgo contra pacem.

Burbreach.

BVrghbreach, that is to
be quit of trespasses don
in Citie or Borough
against the peace.

36 Burgh English.

BVrgh English, ou Bo-
rough English, ē vn cu-
stome en vn auncient Bo-
rough, ou si vn hom ad is-
sue diūs fits & morust, vn-
core le puisne fits solemēt
inheritera, & auera tous
les terres & tenemēts que
sueront a son pere de que
il morust seise deins m le
burgh per discent, come
heire a son pere, p force
del custom de m le burgh.

Burgh English.

BVrgh English, or Bo-
rough English, is a cu-
stome in some auncient bo-
rough, that if a man haue
issue diuers sonnes, & dy-
eth, yet the yongest son on-
ly shall inherit and haue all
the lands & tenemēts that
suer his fathers, wherof
hee died seised within the
same borough by discent, as
heire to his father by force
of the custome of the same
borough.

37 Burglarie.

BVrglarie, est quauit vn
debruse & enter en le
meson dun auter en le
nuir, oue felonious intē,
de robber ou ocider, ou
de faire auter felonie, en
quels cas nient obstant
il ne import riens, vndore
il est felony, pur que il ser-
ra pendue. Auerit est si
soit en le iour ou que il

Burglary.

BVrglarie, is when one
breaketh, & entreteth into
the house of another in
the night, with felonious
intent to robbe or kill, or
to doe some other felonie,
in which cases although
hee carrie away nothing,
yet it is felony, for which
hee shall suffer death. A-
therwise it is, if it bee in
the day time, or that hee
breaketh

break
night
at th
comf
rob b
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breaks the house in the night, and enter not therein at that time.

But if a servant will conspire with other men to rob his Master, and to that intent he openeth his Masters doores & windows in a night for them, that they come into the house by that way, this is Burglary in the strangers, and the servant is a theefe, but no Burglar. And this was the opinion of the right worshipful, Sir R. Mangood knight, most worthy Lord chiefe Baron of the Exchequer at the quarter Sessions holden at Canterbury in January 1579. 21. Eliz.

debruse le meason en le nuit, & ne entra pas en ceo a cest temps.

Mes si vn seruant voile cōspire oue auters de rober son Master, & a cel entent il ouer les dōres & fenestres de son Master en le nuit pur eux, & ils vient en le meason per cest voy, cest Burghlarie en les estrangers, & le seruant est vn laron, mes nemy vn Burglar. Et ceo fait l'opinion de le right worshipful Sir Rog. Manwood chiefe baron de le Eschequer, a la quarter Sessions tenuen en Canterbury en Ianuarie 1579. 21. Eliz.

88 Capias.
Capias, looke for that after in the title Procelle.

89 Caruage.
Caruage, that is to be quite if the King shall take all his land by carnes. Note that a carne of land is a Plowland.

90 Certification of Assise.
Certification of Assise of Nouel disseisin.

Capias.
Capias, vide pur ceo afe en la title de Proces.

Caruage.
Caruage, hoc est, quietus esse si dñs Rex talliauerit totam terram suam per Caruas. Nota qd vn carne de terre est vn Plowland.

Certification in Assise.
Certificatio Assise Nouel disseisin, est vn brieve

The Exposition of

briefe, & gist lou le bailife le tenaunt en Assise plede nul tort &c. & parde per l'assise, donques si le tenāt ad vn release ou auter escript a pleder, il auera cest briefe, & les primers Jurors serrōt garnies d'apporter deuant les Iustices & parties auxy, donques si puit este troue que le release ou le escripts sont voyer & bones, cestuy que reconeroit in l'assise, rendra dammages en double, & pardf la terre.

Writ, and lyeth where the Bailife of the tenant pleadeth no wrong, &c. & l'assise by the assise, then if the tenant haue a releas or other writing to plead, hee shall haue this writ, and the first Jurors shall be sworned to appeare before the Iustices & the parties also: then if it may be found, that the releas or writings are true and good, he that recouered in the Assise shall pay double damages, and shall lose the land.

91

Cerciorari.

Cerciorari.

Cerciorari, est vn briefe & gist lou vn est implede en vn base Court, que est de recorde, & il suppose que il ne poit au equal justice la, donques sur vn Bill en la Chauncerie comprenant ascun matter en conscience, il auera cest briefe pur remouuer tout le Recorde en la Chauncery, & la dest de termine per conscience, mes si ne proua son Bill, donques l'auter party auera vn brief de Procedendo & remaund le record en la

Cerciorari, is a writ and it lieth where one is impleded in a base court, that is of record, and he suppose that hee may not haue equal Justice there, then vpon a bil in the Chancery comprising some matter of conscience, he shall haue this writ to remoue all the Record into the Chancery and there to be determined by conscience, but if he proue not his bill, then the other partie shall haue a writ of Procedendo, to send a remaund the Record into the base

base court, and there to be determined. And it lieth in many other cases, for to remoue records for the King, as indictments and other.

Cession.

Cession, is when an Ecclesiasticall person is created Bishop, or when a Parson of a Parsonage taketh another Benefice without dispensation or otherwise not qualified, &c. In both cases their first benefices are become void, and be said to become void by cession: And so those who had who was created bishop, the King shall present for the time whosoever be patron of them. And in the other case the patron may present.

Cessavit.

Cessavit, is a writ, and it lyeth where my verie teneant which holdeth of me certaine lands and tenements, paying certaine rent by the year, or the rent is behind not paid by two years, and no sufficient distress may be found upon the land, then I shall recover the land, but if the

base court, & la destre determine. Auxy il gist en plusieurs autres cases pour remouer Records par le Roy, come indictments & autres.

Cession.

Cession, est quant un Ecclesiastical pson est cree Euesq;, ou quant un Parson dun Parsonage prist un aut Benefice sans dispensation ou autrement nient qualifie &c. En ambideux cases leur primer benefices sont deuenus void, & sont appelle destre voide per cession Et al ceux qui il ad que fuit cree Euesq; le Roy presentera pro illa vice, quicunque soit patron de eux. Et en l'auter case le patron poit presenter.

Cessavit.

Cessavit, est un brieve, & gist lou mon verie teneant que tient de moy certain tres ou tenements rendant certain rent par an, & le rent est arere nient pay par deux ans, & nul sufficient distress poit estre trouue sur le fre donques ie auera cest brieve par que ie recouera le terra, mes si le tenant

The Exposition of

tenant vient en court de-
vant iudgement, & rend
les arrerages, & les dama-
ges, & troue suertie que il
ne cessera plus en paier
de dit rent, ico serra com-
pel de prendre les arrera-
ges & les damages, & don-
ques le tenant ne perdra
la terre. Auxy le heire ne
peut mainteine cel brieve
pur cesser fait en temps
son auncester. Auxy cest
brieve ne gist, mes pur
annual seruice, come rent
& huiusmodi, & nyent
pas pur homage & feal-
tie.

Auxy il y ad autre bre
appel Cessauir de cantar-
ia, & gist ou vn done ter-
res a vs meson de Reli-
gion a troue pur l'ame de
luy & de ses auncestors,
& de ses heires annuel-
lient vn chandel ou lamp
en Eglise, ou pur faire
aucun diuine seruice, ou
autres almes, ou autre tiel
chose faire, doncque si les
dits charges ne sont pas
fait per deux ans, doncque
le donour ou ses heires a-
uera cest brieve vers que-
cunque est eins apres tel

tenant come into the court
before iudgement giuen,
and render the arrerages
and damages, & finde suer-
tie, that hee shall cease no
more in payment of the said
rent. I shall be compellen
to take the arrerages and
the damages, and then the
tenant shall not lose the
land. Also the heire may
not maintaine this writ
for the cesser made in the
time of his auncestor. Also
this writ lyeth not but for
annual seruice, as rent and
such other, and not for ho-
mage and fealtie.

Also there is an other
writ called Cessauir de ca-
taria, and it lyeth where a
man giueth land to a house
of religion to finde for his
soule and of his auncestors,
and his heires yearly a
candle or Lampe in the
Church, or to say masse
diuine seruice, or to ferde
the poore, or other almes,
or some other thing to doe,
then if the said charge bee
not done in two yeares,
then the donour or his heires
shall haue this writ against
whosoener holdeth the
things giuen after such
cessure

cessure.
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102

refute. **Of the Statute**
 21.1. cap. 41.

cesser, Vide le Statute W. 1.
 cap. 41.

Challenge.

Challenge.

Challenge, is where Jurors appeare to trie an issue, then if any of the parties suppose that they are not indifferent, they may there challenge and refuse them.

Challenge est lon iurors apperont pur trier un issue, donques si ascun des parties supposent que ils ne sont pas indifferent, la ils poyent eux challenge & refuse.

There be diuers challenges, one in challenge to the array, the other to the polles.

Il ad estre diuers challenges: vn est challenge al array, le auter est al polles.

Challenge to the array, is when the panel is favourably made by the sherife, or other officer.

Challenge al array est quant la panel est favorablement fait p le vic ou autre officer.

Challenge by polles are some principall; and some by cause, as they call it.

Challenge per les polles sont ascun principal, & ascun p cause, cõe ils appelleent.

Principal, is when one of the Jurors is the sonne, brother, or cosin to the plaintiffe, or defendant, or tenant to him, or that he hath espoused the daughter of the plaintiffe, or for those causes he shalbe withdrawne.

Principal est quant un des iurors est le fils, frere, ou cosin al plaintiff ou defendant, ou tenant a luy, oue que il auoit espouse la fille le plaintiff, & pur ceuz causer il serra retraits.

Also in a ple of the death of a man, and in every action real, and in actions personall, if the debt or damages amount to lxxi. markes, it is a good challenge that he cannot

Auxy en plee de le mort de home, & en chescun action real, & en actions personall, si le debt ou damages amount a xl. markes, il est bon challenge que il ne poyt dis-

The Exposition of

dispender xl. shillings per
an de frankrenement.

dispender xl. s. by the year
frankhold.

Challenge per cause,
est ou le partie allegé vn
matter que nest principal
challenge: come que firs
dun des iurors espouse la
file le plaignif, & donques
il conclude, & par ceo il
est fauorable, quel serra
trie per auters del enquest
si il soit fauorable ou in-
differet, & si ils dyont que
il est fauorable, & nemy
indifferet, donques il
serra treit, autrement il ser-
ra iure.

Auxy vn selon que est
arraign poit challenge 20.
Iurours peremptorie sans
aucun cause, & ceo est in
fauorem vitz, & tant que
il voile oue cause, mes dō-
qu'il serra trie si pur ciel
cause il soit indifferent ou
nemy.

95 **Champertie.**

Champertie est vn brief
& gist lou deux homes
sont impleadours, & lun
dona la moitie ou part
del chose en piec a vn
estrange pur luy main-

Challenge because,
where the partie doth
ledge a matter which
no principall challenge:
that the sonne of one of
Iurors hath espoused
daughter of the plaignif
and then he doth conclude
and therefore he is fau-
orable, and it shalbe tried
others of the enquest, wh-
ther he be fauorable or
different, & if they say
he is fauorable, and not
different, then he shall be
drawne out, otherwile
shall be squire.

Also vn selon que est
reigned may challenge
Iurors peremptory with-
out any cause, and that
in fauor of life, and as mo-
ny as he will with cause
but then it shall be tried
for such cause hee be in-
ferent or not.

96 **Champertie.**

Champertie is a writ
and lyeth where the
men be impleading, and
one giueth the halfe
part of the thing in piec to
a stranger for to main-

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tain him against the other, then the party grieved shal haue this writ against the stranger. See the Statute Articuli super Chartas cap. II.

reiner encounter le auf, donques le partie greeue auera cest brieve deuers le straunger. Vide le statute Articuli super Chartas, cap. II.

96 Champertors.
Champertors, bee they that moue ples & suits, or cause to be moued by their owne or others procurement, and sue them at their owne costs. to haue part of the lands or gaires in variance.

Champertors.
Champertors, sont ceux que moua ples & suits ou cause destre moue per leur ou auters procuremēt, & sue a leur costages & charge demesne, pur au part del terre ou gains en variance.

97 Charge.
Charge, is where a man graunteth a rent issuing out of his ground, and that if the rent be behinde, it shall be lawfull for him, his heyres and assignes to distraine till the rent bee paid, this is called a rent charge. But if one graunt a rent charge out of the land of another, though after he purchase the land, yet the grant is void.

Charge.
Charge est lou vn home graunta vn rent issuant hors de son terre, & que si le rent soit arrear, que sera loyal a luy, ses heires & assignes a distraîner tanque le rent soit pay, cest appel vn rent charge. Mes si vn grant vn rent charge hors del terre dun auter, coment puis il purchase la terre vncore le graunt est void.

98 Charters.
Charters of lāds are writings, deeds, euidences, instruments, made from one man to another, upon

Charters.
Charters de terres sont escripts, faits, euidences, & instrumens, fait de vn home a l'autre sur

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ascun

The exposition of

alcun estate conueyed ou some estate cōueyed or passed perenter eux de t- sed betwēne them of lands res ou tenemens, monstrāt or tenements shewing the les nosmes, lieu, & quanti- names, place, & quantity ty del fre, le estate, temps, of the land, the estate, time & maner del fealans de y- maner of the doing thereof cel, les parties a le estate the parties to the estate deliuer & prise, les res- liuered and taken, the wit- moignes sient al ceo, oue- nesse present at the same, auters circonstances. with other circumstances.

99 Chattels.

Chattels, sont en deux sorts, cest adir, chattels reals & chattels psonels. Chattels reals sont leases pur ans, gards, & a tener a volunt

Chattels personels, sont tous moueable biens, cōe argēt, plate, biēs del mea- son, chiuals, vacches, blees & tiels semblables.

Chattels.

Chattels, are in two sorts, that is to say, chattels reals and chattels psonels. Chattels reals are leases for yeares, wards, and to hold at will.

Chattels personels are all moueable goods, as me- ney, plate, household stuff, horses, kine, cozne and such like.

100 Childwit.

Childwit, hoc est, quod capiatis gersumma de natua vestra corrupta & pregnata sine licentia ve- stra.

Childwit.

Childwit, that is, that you may take a fine of your bondswoman, defiled and begotten with child without your licence.

101 Chimin.

Chimin, est le haut voy ou chescun hom passa que est appel via Regia, & vncore le Roy nad

Chimin.

Chimin, is the high way where every man goeth which is called Via Regia, and yet the King hath

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other thing there but the passage for him and his people, for the frehold is in the Lord of the soyle, and of the profits growing there, as trees, and other things.

aut chose la forsq; le passage pur luy & son people, car le franktenement est en le Seignior del soile, & tous les profits cressants la, come arbres, & autres choses.

102 Things in action,

Chose en action.

Things in action, is when a man hath cause, or may bring an action for some duty due to him, as an action of debt upon an Obligation, or annuity, or rent, action of covenant, or ward, trespass of goods taken away, beating, or such like, and because that they are things whereof a man is not possessed, but for recovery of them is given to his action, they are called Things in action. And those things in action that are certain, the King may grant, and the grantee may use an action for them in his own name only. But a common person cannot grant his thing in action, nor the King himself cannot grant his thing in action which is uncertain, as trespass, and such like.

Chose en action, est quand un homme ad cause, ou peut porter un action pour asc' due due a luy, cōc un action de det sur un obligation, annuitie, ou rē, action de covenant, ou gard, trespass des biens emport, batarie, ou tielx semblables, & pur c' que ils sont choses de qux un hōe n'est possesse, mes pur recovery de eux est mis a son action, ils sont appellees chose en action. Et ceux choses en action q sont certain, le roy peut graunter, & le grantee peut user un action pur eux en son nom demesne seulement. Mes un common person ne peut graunter son chose en action, ne roy luy mesme ne peut graunter son chose en action quel est un certain, come trespass, & tielx semblables.

The exposition of

103 Cinque Ports.

Cinque Ports, sont certain hauen villes, cinq; en nûber, as queux ad este graunt long temps passe mult liberties (que auters port villes nont) & ceo primerint en le temps del Roy Edward appel le Cōfessour (que fuit deuant le Conquest) & fueront encreate apres, & ceo especialment en les iours del trois Edwards, le primer, second, & le tierce (apres le Conquest) cōe appiert en le lieur de Domesday, & auz vieux monuments, queux en cest lieur serōt trope longe de recite.

Cinque Ports.

Cinque Ports, be certain hauen towne, five in number, to which haue bin graunted long time since many liberties (that other port towne haue not) and that first in the time of king Edward called the Confessor (who was before the Conquest) & hath bin increased since, & that chiefly in the dayes of the thre Edwards, the 1. the 2. & 3. (since the Conquest) as appeareth in the booke of Domesday, and other old monuments, which is this woꝝke should be so long to recite.

104 Circuitie de action.

Circuitie de action, est quāt vn action est droitelmeēt port pur vn duitie, mes vncore circum le bush, come semble, pur c' que c' poit cibien estf auterment respondue & determine, & le soit saue, & pur c' que mesm le action fuit plus que besoigne, il est appel circuitie de action. Come si vn home graunt vn rent charge de x. li.

Circuitie de action.

Circuitie de action, is when an action is rightly brought for a duitie, but yet about the bush, as it were, for that it might aswell bin otherwise answered, and determined, and the suite saved, and because that the same action was moze then neede full, it is called circuitie of action. As if a man graunt a rent charge of x. pounds

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out of his manor of Dale, and after the Grauntee disseiseth the Grauntoz of the same manor of Dale, & he bringeth an Assise, and reconereth the land, & xx. l. damages, the which xx. l. being paid, the Grauntee of the rent sueth his action for ten pounds of his rent due during the time of the disseisin, which if no disseisin had been, hee must haue had: This is called circuitie of actiō, because it might haue bin moze shortly answered, for whereas the grātoz shal receiue xx. l. damages, & pay x. l. rent, hee might haue receiued but the x. l. onely for the damages, and the grantee might haue cut off and kept back the other x. l. in his hands, by way of detainer for his rent, and so thereby might haue saued his action.

hors de son manour de Dale, & apres le Grantee disseisist le grauntor de m le manor de dale, & il port vn Assise, & recouer le fre & xx. li. damages, le quel xx. li. esteant pay, le grantee del rent sue son action pur x. li. de son rē due durant le temps de le disseisin, le quel si nul disseisin ad este, il doit auer ewe: Cest appel Circuitie de action, pur ceo que il poit auer este pluis briefement respōdue, car lou le grantor doit receiue xx. li. damages, & paie x. li. rent, il puit auer receiue forsque le x. li. solement pur les damages, & le grauntee puit auer recoupe & retaine arere le auter x. l. ē ses maines per voy de detainer pur son rē, & issint per icel poit auer saue son action.

105

Claine.

Claine.

CLaine, is a challenge by any man of the property or ownership of a thing which hee hath not in possession, but that which is

CLaine est vn challenge per ascun home de le property ou ownership de vn chose que il nad in possession, mes ceo que est

The Exposition of

detaine a luy tortious- withholden from him
ment. wrongfully.

106 Clergie.

CLergie, est vn auncient libertie confirme en diuers Parliaments. Et est quāt vn home est arraigh de felony, ou tiels sembla- bles, deuant vn temporall Iudge &c. & le prisoner pria son clergie, cest adire, pur auer son lieur, quel en auncient temps fuit au- tant sicome il vst prie dēe dīsmisse del Temporall Iudge, & destē deliuer al Ordinarie de purger luy mesme de mesme offence. Et donques le Iudge com- mandera le Ordinarie de trier sil poit lier come vn clerke in quel lieur & lieu come le Iudge assignera. Et si le Ordinarie certifie le Iudge que il poit, don- ques le prisoner nauera iudgement de perdre son vie. Vide Stamford lib. 2. c. 41. & Quere le statute 18. Eli. ca. 7.

107 Clerke attaint.

CLerke attaint, est ce- luy que pria son cler-

Clergie.

CLergie, is an auncient libertie confirmed in di- uers parliaments. And it is when a man is arraigh- ned of felony, and such like befoze a temporall Iudge &c. and the prisoner prayeth his Clergie, that is to say, to haue his booke, which in auncient time was as much as if he desired to be dīsmīssed from the tempo- rall Iudge, and to be deli- uered to the Ordinarie to purge himselfe of the same offence. And then the Iudge shall command the Ordinarie to trie if he can read as a Clerk in such a booke and place as the Iudge shall appoint. And if the ordinarie certify the Iudge that he can, then the prisoner shall not haue iudgement to loose his life. See Stamford lib. 2. cap. 41. and seeke the statute 18. Eli. ca. 7.

Clerke attaint.

CLerke attaint, is hee which prayeth his cler-

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gle after iudgement giuen upon him of the Felonie, & hath his Clergie allowed, such a clerke might not make his purgation.

108 Clerke conuict.

Clerke conuict, is hee which prayeth his clergy before iudgement giuen upon him of the Felonie, and hath his Clergie to him granted, such a clerke might haue his purgation. Note that this purgation was made, when he was dismissed to the Ordinary, there to be tried of the enquest of clerkes. And therefore now by the stat. of 18. Eliz. ca. 7. no such is put to the Ordinary.

109 Coadiutor.

Coadiutor, to the disseisin is hee, which with another disseiseth one of his freehold, to the vse of the other: and he shall bee punished as a disseisor, but hee is not such a disseisor, which gaineth the freehold, but the freehold becometh and is all in him to whose vse the disseisin was committed, as it appeareth in Littleton lib. 3. cap. 3. of ioyntenants.

Clerke conuict.

Clerke conuict, est ceuluy que pria son clergy deuant iudgement done sur luy de le Felonie, & ad le Clergie a luy graunt, tiel clerke puit faire son purgation. Nota que cel purgation fuit fait quant il fuit dismissé al ordinary, la destre trie del enquest del clerkes: & pur ceo ore per statute 18. Eliz. cap. 7. nul tiel est misse al Ordinarie.

Coadiutor.

Coadiutor al disseisin est ceuluy, que oue aué disseise vn de son Franktenement al vse del laue, & il serf puny come vn disseisor, mes il nest tiel disseisor que gaine le franktenement, mes le franktenement vest & est tout e ceuluy, a que vse le disseisin fuit comit, come appierr en Littleton lib. 3. ca. 3. de ioyntenants.

The Exposition of

110 Colour.

Colour, est vn fained matter, le quel le defendant ou tenant vse en son barre, quant vn actiō de trespas ou vn Assise est port enuers luy, en le quel il done le demandant, ou plaintife vn shewe prima facie, que il ad bone cause de action, lou en veritie il n'est iust cause mes tant-folement vn colour, ou visour dun cause : Et il est vse al entent que le determination del action doet este per les iudges, & ne my per vn ignorant lurie de 12. homes. Et pur ceo vn color doet este vn matter en ley, ou difficult al lay gents : come pur example, A. port vn assise de trespas enuers B. & B. dit que il mesme lessa m̄ le terre al vn C. pur terme de vie & apres grant le reuerfion al A. le demandant, & puis C. le tenant pur terme de vie morust, apres que deceale A. le demandant claimant le reuerfion pforce del graunt (ou C. le tenant pur vie ne ynques atturne) entra, sur que B.

Colour.

Colour, is a fained matter, which the defendant or tenant bleth in his bar, when an action of trespas or an Assise is brought against him, in which he sheweth the demandant or plaintife a shewe at the first sight, that hee hath good cause of action, where in troth it is no iust cause, but only a color & face of a cause : & it is vled to shew that the determination of the action should bee by the Judges, & not by an ignorant Jurie of 12. men : and therfoze a color ought to bee a matter in law or doubtful to shew comon people : as for example, A. bringeth an assise of land against B. & B. saith that he himselfe did let the same land to one C. for terme of life, & afterward did grant the reuerfion to A. the demandant, & after C. the tenant for terme of life died, after whose decease, the demandant claiming the reuerfion by force of the graunt (whereby C. the tenant for life, did neuer attorne) entred, vpon whom B.

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entred, against whom A. for that entry, brings this assise, &c. This is a good colour, because the common people thinke that the land will passe by þ grant without Returnement, where indeed it will not passe, &c.

Also in an action of trespassse, colour must be given, and of them are an infinite number, one for example: in an action of trespassse for taking away the plaintiffs beasts, the defendant saith, that befoze the plaintiff had any thing in them, he himselfe was possessed of them as of his proper goods, and deliuered them to A. B. to deliuer them to him again, when &c. and A. B. gaue them vnto the plaintiff, and the plaintiffe supposing the proprietie to be in A. B. at the time of the gift, tooke them, and the defendant tooke them from the plaintiffe, whereupon the plaintiffe bringeth an action, that is a good colour, and a good plea. See more hereof in the Dialogues betwene the Doct. and Stud. lib. 2. cap. 13.

entra, enuers que A. pur m entre port cest assise, &c. Cest vn bone colour, pur ceo que les lay gentes pensant que le terre voile passe p le graunt sans atturnement, lou en fait il ne voile passe, &c.

Auxy en vn action de trespassse, colour doit estre done, & de eux sont vn infinite number, vn pur exemple: En vn action de trespassse pur prise de aüs del plaintife, le defendaut dit, que deuant le plaintife riens auoir en eux, il mesme suit possesse de eux come de ses pper biens, & eux deliuer al A. B. pur eux rebailer a luy quando &c. & A. B. eux donà al plaintife, & le Plaintife suppos' le proprietie destre en A. B. al temps del done, prist eux, & le defendaut eux re-prist del plaintife, sur que le plaintife port l'acion: cest vn bone colour, & vn bone plea. Vide de ceo pluis en les Dialogues enter le Doctör & Student. lib. 2. cap. 13.

The Exposition of

III Colour de office.

Collore officij est tous
dits prist in malam
partem, & signifie vn acte
malement fait p le coun-
tenance de vn office, & il
port vn dissimulant visage
del droit office, lou le of-
fice nest que vaile del
fauxtie & le chose est
groud sur vice & le office
est come vn shadow al c'.
Mas ratione officij, & vir-
tute officij s'ot prises tous
foits in bonam partem, &
lou le office e le iust cause
del chose, & le chose est
pursuant al office.

Colour of office.

Colour of office, is
swayes taken in p wo
part, and signifieth an ac-
tull done by the coun-
tenance of an office, and
beareth a dissembling face
of the right office, where-
as the office is but a vaine
to the falshood, and the
thing is grounded vpon
vice, and the office is as a
shadow to it. But by rea-
son of the office, & by vertue
of the office are taken al
swayes in the best part, and
where the office is the iust
cause of the thing, and the
thing is pursuing p office.

III Collusion.

Collusion, est lou vn a-
ction est port vers vn
auter per son agreement
demeine, si le plaintife
recouer, tiel recouerie est
dit per collusion, & en
ascun cases le collusion
serra enquire, come en vn
Quare impedit, Assise,
& tiels semblables, queux
ascun corporation ou
corps politique port en-
uers auter al entent de a-
uer le terre ou aduowson,

Collusion.

Collusion, is where an
action is brought
gainst another by his own
agreement, if the plaintife
reouer, then such recovery
is called by collusion, and
in some cases the collusion
shall be inquired of as in
Quare impedit, and Assise,
and such like, which an
corporation or bodie poli-
tique bringeth against an-
other to the intent to haue
the land or aduowson.

whereof

whereof the writ is brought dont le brieve est port en
into Mortmaine. But in Mortmaine. Mes in auow-
sundry nor in any action rie ne en aucun action p-
personall, the collusion sonal le collusion ne serra
shall not be inquired. Ser enquire. Vide le statute de
the statute Westm 1. cap. 32 Westm 1. ca. 32. que done
which giveth the Quale ius le Quale ius & le enquirie
and inquiry in such cases. en tiel case.

113 Commaundrie,

Commaundrie,

Commaundrie, was the Commaundrie, fuit le
name of a Mannour or nosme dun manour ou
chiefe Messuage, with chiefe messuage, ouc que
which lands or tenements terres ou tenements fue-
were occupied belonging ront occupies perreignat
to the late Priorie of saint al Priorie de S. Iohns
Johns of Jerusalem in de Ierusalé en Engleterre,
England, untill they were tanq; fueront done al roy
given to R. H. the 8. by Sta- Henry le hair, per Statute
tute made in the 32. yere of fait en lan 32. de son
his reigne; And he which reigne: Et cesty, que auoit
had the gouernement of a le gouernement de aucun
ny such Mannor or house, tiel manour ou messuage
was called the Commaun- fuit appele le Commaun-
der, which had nothing to der, que nauoit rien a fait
do to dispose of it but to the ou dispose de ceo forsque
he of the Priorie, and to al ase del priorie, & dauer
haue onely his sustentance solement son sustentance
of it according to his de- de ceo, solonque son de-
gree, which was usually a gree que fust vsualmente
brother of the same Priorie vn frere de mesme le prio-
rie, which had bene made ric, que eust estre fait chi-
knight in the warres a- ualer en les guerres en-
gainst Infidels, and were counter Infidels, & fue-
lately called knights of ror iades addel knights &

The Exposition of

le Rodes, ou Knights de Malta, del lieux lou leur grand Master del dit order enhabite. Vide le dit statute, et le statute entituled de Templarijs, le decay des queux fuit grand encrease de cel order, & plusors de ceux commandries sont en le pays nommes le Temple.

the Rodes, or Knights of Malta, of the places where there grand Master of the said order did dwell. See the said Statute & the Statute intituled de Templarijs, whose decay was great increase of this order and many of these commandries are called in the country by the name of Temples.

114 Common Ley.

COMMON Ley, est pur le plus part prise 3. voies. Primerment, pur les leyes de cest Realme simply, sans aucun autre ley, come custumarie ley, civil ley, spiritual ley, ou quecunque autre ley ioyne a ceo, come quant est dispute en nostre leyes Dengleterre, quid doit de droit estre determinee par le common ley, & quid par spiritual ley, ou le Court del Admiral, ou tielx semblables.

Secondariment il est pris pur les Courtes le Roy, come le banke le Roy, ou Common place, tantsolement pur monstre une difference perreter eux

Common Ley.

COMMON Ley, is for the most part taken three waies. First, for the laws of this Realme simply without any other, as custumary Law, civil Law, spiritual Law, or whatsoever else Law is joined with it, as when it is disputed in our Lawes of England what ought of right to be determined by the common Law, and what by the spiritual Law, or Admirall Court, or such like.

Secondarily it is taken for the Kings Courts, as the Kings Bench, or common place, onely to shew a difference betwene them

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and the base Courts, as & les base Courts, cōe customary Courts, Court stonarie courts, court Barons, county Courts, rons, Countie courts, Py-powders, & such like: as when a ple of land is remoued out of auncient demesne, because the land is franke fee, and pleadable at the common Law, that is to say, at the K. Court, and not in auncient demesne, or in any other base Court.

Thirddly, and most vsualy by the common Law is vnderstood, such Lawes as were generally taken & holden for law befoze any Statute was made to alter the same, as for example: Tenant for life, nor for yeares, were not to be punished for doing wast at the common law, till the stat. of Glouc. cap. 5. was made, which both giue an action of wast against them. But tenant by the curtesie, and tenant in dower, were punishable for wast at the common Law, that is to say, by the vsuall and common receiued Lawes of the Realme, befoze the said Statute of Gloucester was made.

& les base Courts, cōe customary courts, court Barons, Countie courts, Py-powders, & tielx semblables: cōe quant vn plee de terre est remoue hors de auncient demesne, pur ceo que le terre est franke fee, & pleadable al common ley, cest adire en le Court le Roy, & nemy en auncient demesne, ou en aucun auter base court.

Tiercesnt, & pluis vsualmēt per le common ley est entendue, tielx leyes q fueront generalmēt prise & tenus pur ley deuaunt que aucun estatute fuit fait pur alter c', come pur example: Tenant pur vie, ne pur ans, ne fueront deshe punish pur fesans wast al common ley, tanque le statute de Gloucester ca. 5 fuit fait, le quel done vn action de wast enuers eux. Mes tenant per le curtesie, & tenant en dower, fueront punishable pur wast al common ley, cest adire, per le vsual & common receiued leyes le Realm, deuāt le dit statut de Gloucester fuit fait.

The Exposition of

115 Common.

Common, ē le droit que home ad de mitter ses beasts a pastur, ou de vser & occuper le terē que nē son proper soile.

Et nota, que sont diūs commons, cest adire common en grosse, common appendant, common appartenant, & common p cause de vicinage.

Common en grosse, est lou ico p mon fait grant a vn auter, que il auer cōmon en ma terre.

Common appendant, est lou home est seisie de certain tre, a que il ad common en aut soile, & touts ceux que serront seisies del dit terē aueront le dit common soleint pur ceux beasts que compast la terē a que il est appendant, except oysons, chiuers, & porceaux.

Et touts iours, cest common est per prescription, & de common droit, & il est appendaunt al terre arable solement, &

Common.

Common, is the right a man hath to put his beasts to pasture, or to vse & occupie the ground that is not his owne.

And note, that there be diuers commons, that is to say, common in grosse, common appendant, common appartenant, and common because of neighbourhood.

Common in grosse, is where I by my deed grant to another that hee shall haue common in my land.

Common appendant, is where a man is seised of certaine land, to the which hee hath common in another's ground, and all they that shall bee seised of the land haue the said common onely for those beasts which compast the land to which it is appendant, excepting geese, goates, and hogges.

And also, as that common is by prescription, and of common right, and it is appendaunt to arable lande onely, and

not to
house.

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it is
beaste
goates
hogges
and la
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other
bled
of no
haue
town
beast

Be
put hi
ground
other
them
may h
pas :
them
and

not to any other land or nemy al' auter terre ou
house. meison.

Common appurtenant is in the same manner as **Common appurtenant**
common appendant. But est en mesme le manner
it is with all manner of cōc common appendant.
beastes, as well hogges, Mes est ouesque tous
goates, and such like, as manners des auers, cibien
hoyles, kine, oxen, shepe, porceaux, chiuers & tiel
and such as compass the semblable, come chiuals,
ground. And this com- vacches, boefs, berbits, &
mon may be made at this tiels que compaster le ter-
day, & may be seuered from re. Et tiel cōmon poit este
the land to which it is ap- fait a cest iour, & poit este
partenant, but so cannot seuer del terre a que il est
common appendant. appurtenant, mes issint ne
poit common appendant.

Common because of **Common pur cause de**
neighborhood is where the voisinage est lou les re-
tenants of ij. Lords which nants de deux Seignours
be seised of two townes, que sont seises de deux
where one lyeth nigh an- villes, dont lun gist pres
other, & every of them haue lauter, & chefcun de eux
bied from the time where- ont vse de tēps dont me-
of no minde runneth, to mory ne court, de auer
haue common in the other common en aut ville, o-
towne with all manner of uesque tous beasts com-
beasts commonable. minable.

But the one may not **Mes lun ne poit mitter**
put his cattel in the others ses auers en le terre laut,
ground, for so they of the car la ceux de lauter ville
other towne may distraine poient eux distraine dam-
them damage fessant, or mage fessant, ou auer acti-
may haue an action of tres- on de Trespas : mes ils
pas : but they may put eux mittera en lour camp
them into their own fields, demesne, & sus estray en
and so if they stray into les

The Exposition of

les campes del auter ville, the fieldes of the other
ils doient eux sufferer. tofome, there they ought
Et les inhabitants de lun suffer them. And the in-
ville ne doient mitter eins habitants of the one tofome
tants come ils voile, mes ought not to put in as ma-
ayant regard al frâktene- ny beaſts as they will, be-
ment del inhabitants de hating regard to the in-
le aut ville, car autrement habitants of the other tofome
il ne ſeroit bon vicinity, for otherwiſe it were
ſur que tout ceſt matter good neighborhood, by
depend. which all this matter do
depend.

116 Condition.

Condition, eſt vn reſ-
traint ou bridle annex
& ioine al choſe, iſſint que
per le non pformance &
ſeſans de ceo le partie al
condition receiuera pui-
dice & parde, & p le per-
formance & faire de ceo
commoditie & aduaun-
tage.

Et tous cōditions ſont
ou Conditions actuall &
exprefſe, queux ſont ap-
pel Conditions en fait, ou
ils ſont conditions impli-
cite ou tacite, & nient ex-
preſſe, les queux ſount
appelles Conditions en
ley.

Auxy tous Conditions
ſont ou Conditions pce-
dent & vaient deuant leſ-
tate, & ſont executed, ou

Condition.

Condition, is a reſtrain-
oz bridle annexed an-
toynd to a thing, ſo that
by the not perfozmance,
not doing thereof the par-
tie to the condition ſhall re-
ceiue pzeiudice & loſſe, and
by the perfozmance and do-
ing of the ſame commoditie
and aduantage.

And all Conditions are
eyther Conditions actuall
and exprefſed, which
bee called Conditions in
deede, oz elſe they be Con-
ditions implied oz con-
tent and not exprefſed, which
are called Conditions in
laſw.

Alſo all Conditions are
eyther Conditions pce-
dent and going before the
eſtate, and are executed, or

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els subsequent and follow: subsequent & veniens a-
ing after the estate & exe- pres le estate & execu-
cutorie. torie.

The Condition pzece- Le Condition pcedent
dent both get and gaine the gaine & obtraine le chose
thing oz estate made vpon ou estate fait sur cōdition
condition by the persoꝝ per le performance de le
mance of the same. condition.

The Condition subse- Le Condic' subsequent
quent both kepe & conti- garde & continue le chose
nue þ thing oz estate made ou estate fait sur cōdition
vpon condition by the per- per le performance de y-
formance of the same. cel.

Actual & expresse con- Actual & expresse con-
dition, which is called a dition, que est appel vn
Condition in verbe, is a condition en fait est vn
condition knit & annex condition knit & annex
by expresse wordes to the per expresse parolz al se-
feoffement, lease, oz grant, offement, lease, ou graunt,
eithen in writing, oz with- ou en escript ou sauns es-
out writing: As if I in- cript. Sicome ieo enfeoffe
feoffe a man in lands refer- vn hom en terres referuāt
ring rent to be paid at such rent, destte payed a tiel
a feaft, vpon condition, that feaft, sur condition, que si
if the feoffee faile of pay- le feoffe faile de payment
ment at the day, that then al iour, que donques il
it shall be lawfull for me to serra loyal pur moy de re-
reenter. enter.

Condition implied oz Condition implicite ou
uert and not expresse, tacite & nient expresse,
which is called a conditi- que est appel condition
on in Lawe, is when a en Ley, est quant home
man graunteth to another graunt al auier le office
the office to be keeper of a destre gardeine dun
Parke, Steward, Ben- Parke, Seneschal, Beadle,
dle, Bayliffe, oz such like Bayliffe, ou tiels sembles
pur

The exposition of

pur terme de vie, & nient
obstant que la ne soit alcu
condition expresse en le
graunt, vncoz le ley parle
couertment de vn condi
tio, quel est que si le gran
tee ne execute pas routs
points appartenant a son
office, per luy mesme ou
son sufficient deputy, don
que serit loyal pur le gran
tor de enter & discharge
luy de son office.

Condition pcedent &
vaant deuant, est quaunt
vn lease est fait al vn pur
vie sur condition, que si le
lessee pur vie voile payer
al lessour xx.li. a tiel iour,
que donques il auera fee
simple, icy le condition
precede & va deuant le
estate in fee simple, & sur
le performance de le con
dition, get & gaine fee
simple.

Condition subsequent,
& veniens apres, est quat
vn graunt a l.S. son man
nour de Dale en fee sim
ple, sur condition, que le
grauntée payera a luy a
tiel iour xx.li. ou auer
ment que son estate ces
slera, icy le condition est

or terme of life, and though
there be no condition at
expresse in the graunt, yet
the law speaketh couertly
of a condition, which is
that if the graunter do not
execute all points apper
taining to his office, by
himselfe or his sufficient
deputie, then it shall be
lawfull to the grauntoz to
enter and discharge him of
his office.

Condition precedent
going befoze, is when
lease is made to one for
life, vpon condition, that
the lessee for life will pay
the lessor twentie pounds
at such a day, that then he
shall haue fee simple, here
condition precedes & goes
befoze the estate in fee sim
ple, and vpon the perfor
mance of the condition, do
get and gaine the fee sim
ple.

Condition subsequent,
& coming after, is when
one graunteth to J. S. his
mannor of Dale in fee sim
ple vpon condition, that
the graunter shall pay
him at such a day xx. pounds
or els that his estate shall
cease, here the condition

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subsequent and following the estate in fee simple, and upon the performance thereof both keepe and continue the estate.

See more of this in Littleton lib. 3. cap. 5. And Perkins in the last title of Conditions.

subsequent & ensuât le estate en fee simple, & sur le performâce de ycel, garde & continue le estate.

Vide plus de c' en Littleton lib. 3. cap. 5. Et Perkins titul' ultimo, de Conditions.

117 Confirmation.

Confirmation, is when one which hath right to any landes or tenements maketh a dede to another which hath therof the possession, or some estate with these wordes, Ratificasse, Approbasse, Confirmasse, with intent to enlarge his estate, or make his possession perfect and not defensible by him that maketh the confirmation, nor by any other that may haue his right.

Wherof see more in Littleton lib. 3. cap. 9. of Confirmations.

118 Confiscate goods.

Confiscate goods, are goods to which the law mitteth the King when they are not claimed by any other. As if a man bee indicted that hee felon-

Confirmation.

Confirmation, est quant vn que auoit droit al ascun terres ou tenements fait vn fait a vn autre que auoit ent le possession ou ascun estate ouesque ceux parolx, Ratificasse, Approbasse, confirmasse, oue entet de enlarger son estate, ou faire son possession perfect & nient defensible per luy que fait le confirmation, ne per ascun autre que poit aucign a son droit.

Dont vide plus en Littleton lib. 3. ca. 9. de Confirmations.

Confiscate biens.

Confiscate biens, sont biens al queux le ley entide le roy quant il ne sont pas clamee per ascun autre. Come si vn home soit endict que il felon-

The exposition of

ousment emblea les biens
de I. S. lou en veritie ils
sont ses biens demaine, &
ils sont mis en Court vers
luy come vn mayneur, &
dons il est demande que
il dit a ceux biens, & il
denie eux, ore per cest de-
nier de eux, il perdra ceux
biens, coment que apres il
soit acquite del felonie, &
issint en auters semblable
cales.

ously stole the goods of J.
S. where in truely they
are his owne goods, and
they are brought into the
Court against him as a
mayneur, and then he is de-
manded what he sayth to
those goods, and he denieth
them, now by this denyng
of them, he shall lose those
goods, although that after-
ward he be acquitted of the
felonie, and so in other like
cases.

119 Conspiracie.

Conspiracie, est vn brief
& gist lou deux ou plu-
sors senta ilerent per sere-
ment, couenant, ou auter
maner aliance, que che-
cun aydera auter pur en-
dictier ou appealer ascun
home de felonie, donques
celuy que est per tiel ma-
ner endict ou appeal, aue-
ra cest briefe. Mes cest
briefe ne gist vers lendi-
ctours.

Vide plus de ceo en
Stamf. lib. 3. cap. 12.

Conspiracie.

Conspiracie, is a writt,
it lyeth where two or
more knit themselves to-
gether by oath, couenant,
or other maner of aliance,
that everie one shall helpe
other for to indict or appeal
any man of felonie, then by
which is by such maner in-
dicted or appealed shall
have this writt. But this
writt lyeth not agatist the
indictours.

See more hereof in
Stamford lib. 3. cap. 12.

120 Custome.

Consuetud & servitijs,
est vn briefe, & gist lou
ico ou mes ancestre de puis

Custome.

Customes & services, is a
writt, and lyeth where
I or my ancestours after

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the limitation of assise (for which see the title of Limitation in the collection of Statutes) were not seised of the customes or seruices of my tenat befoze, the I shal haue this writ to recouer those seruices.

Also the tenant may haue this writ against his lord, but after that the tenant hath declared, the lord shall defend the wordes of the declaration, & replying shal say, that hee distrained not for the customes wherof the declaration is, and then he shal declare all the declaration of the customes and seruices, & then the tenant, who was plaintife shall become defendand, and shal defend by bataille or great assise.

le limitation de assise (pur quel vide le titre de Limitation en le collection de Statutes) ne fueront seises des customes ou seruices de mon tenant, mes deuât donques ieo aia cē bre p recouer ceux seruices.

Auxy le tenant poit auer cest brieve vers son Seignior, mes apres que le tenant ad count, le seignior defendera les mores del cour, & repliant dirra, que il ne distraina pas pur les customs dont le count est, & donques il countera tout le count de les customes & seruices, & donques le tenaunt que suit pl' deuiendra defendât, & defendra per bataille ou grand assise.

121 Consultation.

Consultation, like there: soze after in the title of Prohibition.

Consultation.

Consultation, Vide de ceo apres in title de Prohibition.

122 Continuall claime.

Continuall claime, is where a man hath right to enter into certain lands wherof another is seised in fee simple, or fee taile, fee simple, ou fee taile,

Continual claime.

Continuall claime, est lou home ad droit de entre en certaine terres dont vn auter est seise en

The Exposition of

& il ne oſast enter pur pa- and hee dare not enter
uour de mort ou batterie, feare of death or beating
mes approcha cy pres cõe but approacheth as nigh
il oſast, & fait claime a he dare, and maketh claime
ceo deins le an & iour thereto withyn the yere
deuant le mort de cestuy and day befoze the death
que ad le terre, si apres him that hath the land
cestuy que ad le terre de- if after hee which hath
uie seisie, & son heire est land die ſeiſed, & his heire
eins per diſcent, vncore is in by diſcent, yet he the
cestuy que fait tiel claime maketh ſuch claime
poit enter ſur le heire, ni- enter vpon the heire, not
ent contriſſant tiel diſ- withſtanding ſuch diſcent
cent, pur ceo que il ad for that that he hath made
fait tiel continuall claime. ſuch continuall claime: be-
Mes il couient que ceſt it behooneth þ ſuch claime
claime routs ſoits ſoit fait alwaies bee made withyn
deins lan & iour deuant the yere and the day befoze
le mort le tenant, car ſi the death of the tenant, be-
tiel tenant en moruſt ſeiſe if ſuch a tenant doe not die
deins lan & iour apres ſeiſed within a yere and
tiel claime fait, & vn- day after ſuch claime made,
core il que ad droit no- and pet hee that hath right
ſaſt enter, donques co- dare not enter, then it be-
uient al ceſtuy que ad honeth him that hath ſuch
ryel droit de faire auter right to make an other
claime deins lan & iour claime within the yere and
apres le primer claime, & day after the firſt claime,
apres tiel ſecond claime after ſuch ſecond claime to
de faire le tierce claime make þ thirde claime withyn
deins lan & iour, ſi il voit in the yere and day, if he
eſte ſure de ſauer ſon en- wil be ſure to ſaue his en-
trie. Mes ſi le diſſeiſor de- try. But if the diſſeiſor die
uie ſeiſie deins lan & iour ſeiſed within the yere and
apres le diſſeiſin, & nul day after the diſſeiſin, and
claime fait, donques le no claime made, then the

entri

entre of the disseise is taken away, for the yere and day, shall not be taken from the time of the title of the entre to him grown, but only from the time of his last claime by him made, as is aforesaid. See moze hereof in Litt lib. 3. cap. 7.

123 Counterplee.

Counterplee, is when one bringeth an action, & the tenant in his answer pleades voucheth or calleth for any man to warrant his title, or praieth in aid of another, which hath better estate than he, as of him who is in the reuerfion, or if one that is a stranger to the action, come and pray to be receiued, to saue his estate, if the demandant replie thereto, and shew cause that he ought not such a one to vouch, or that he ought not of such a one to haue ayde, or that such a one ought not to be receiued, this plee is called a Counterplee to the voucher, ayde, or rescue, as the case is, but if the voucher bee allowed, and when the voucher cometh in & demandeth what cause the tenant hath, & the te-

entre le disseise est tolle, car lan & jour ne sera prise de le temps del tude dentre a luy accrue, mes seulement de le temps del darrein claime p luy fait, come est auantdit. Vide plus de ceo en Litt lib. 3. cap. 7.

Counterplee.

Counterplee est lou vn port vn action, & le tenant en son respons & plee vouch ou appel pur aucun hom pur garrant son title, ou prayer ayde de auter, que ad meliour estate, cõe de cestuy en la reuerfion, ou si vn estrange al action vient, & priera destre rescue de sauer son estate, si le demand reply a ceo, & monstre cause que il ne doit tiel hom vouch, ou que ne doit de tiel home eyde auer, ou que tiel home ne doit este rescue, cest plee est appel vn counterplee al voucher, ayde, ou rescue, cõe le case est, mes si le voucher soit allow, & quant le vouchee vient eins & demande quel chose le tenant ad de luy voucher, & le tenant

The Exposition of

nant monstre son cause, nant sheweth his case, and
& le vouchee plede ascun the vouchee pleade any
matter de auoide le gar- thing to auoide the warren-
ranty, ceo est appel coun- tie, that is called a counter-
terplee del garrantie. plear to the warranty.

124

Contract.

Contract.

Contract, est vn bar-
gain, ou couenant per-
enter ij. parties, lou vn
chose est done pur auter
que est appel (Quid pro
quo) come si ieo vende
mon chival pur argent, ou
sui eo couenant de faire
lease a vous de mon man-
nor de Dale, en conside-
ration de xx. li. que vous
dones a moy, ceux sont
bone contracts, pur c' que
il ad vn chose pur auter.
Mes si vn hom fait promise
a moy, que ieo auera xx. s.
& que il voile este dettour
a moy de ceo, & puis ieo
demaunde xx. s. & il ne
voyle a moy deliuer, vn-
core ieo nauera iammes
action pur recouer cest
xx. s. pur ceo que cest
promise ne fuit contract,
mes nudus pactus. Et ex
nudo pacto non oritur ac-
tio, mes si ascun chose fuit
done pur le xx. s. mesque

Contract, is a bargaine,
or couenant betweene
two parties, where one
thing is given for another
which is called (Quid pro
quo) as if I sell my horse
for money, or if I couenant
to make you a lease of my
manor of Dale, in consi-
deration of xx. li. that you
shall give mee, these are
good contracts, because
there is one thing for ano-
ther: but if a man make
promise to me, that I shall
have xx. s. and that he will
be debtor to me therof, and
after I aske the twenty s.
and he will not deliuer it,
yet I shall neuer have any
action to recouer this twen-
tie shillings, for that that
this promise was no con-
tract, but a bare promise.
And ex nudo pacto non o-
ritur actio, but if any thing
were given for the twenty
shillings, though it were
not

not

not but to the value of a peny, then it had beens a good contract. *il ne fuit forsque al' value vn denier, donques il fuit bone contract.*

Contra formam collationis.

Contra formam collationis.

CONtra formam collationis, is a writ. and it lyeth where a man hath given landes in perpetuall almes to any of the late houses of Religion, as to an Abbot, and to the Convent, or other soueraigne, or to the warden of a Hospital, and he consent to find certayne povere men, and to doe other diuine seruice, if they alien the landes, then the donour or his heires, shal haue the writ writ for to recover the land, but this writ shall be alway brought against the Abbot or his successor, and not against the alienor, although that hee be tenant, but in all other actions where a man demandeth freehold, the writ shall be brought against the tenant of the land. See the Statute Westm. cap. 41.

CONtra formam collationis, est vn brief, & gist lou home done terres en perpetual almeigne a aucun-meason de Religion, come a vn Abbe & la Couent ou a aut soueraigne, ou al gardein ou Maister de asc' Hospital, & son couent, de trouer certaine pouer homes, & de faire aut diuine seruice, s'ils alien les terres, donques le donour ou ses heires, auront le dit bf pur recouer le terf, me cest briefe sera tous foits port vers le Abbot ou son successor, & nemy vers alinee, coment que il soit tenant: mes en tous auters actions lou home demand franktenement, le briefe sera port vers le tenaunt del terre. Vide le Statut Westm. 2. cap. 41.

The Exposition of

126 Contra formam feoffamenti.

Contra formam feoffamenti, est vn briefe, & gist ou vn home deuant le statute de Quia emptores terrarum, quel fuit fait Ann 18. Ed. le prim, in feoffe aut per fait de faire certaine seruiçe, si le feoffor ou ses heires distraint luy de faire aut seruiçe que est comprise en le fait, donques le tenant auera cest briefe, luy commaundant que il ne distraint luy de faire autre seruiçe, que n'est comprise deins le fait, mes cest briefe ne gist pur le plain que claim p purchase del prim feoffee, mes pur tiel plaintife que claim come heire al primer feoffee.

127 Contributione faciendi.

Contributione faciend, est vn briefe, & gist lon sont diuers Parceners, & celuy que ad lo part del eygn, fait tout le suite ai Seignour, les autres doyent faire cōtribution a luy

Contra formam feoffamenti.

Contra formam feoffamenti, is a writ, and lyeth where a man befor the statute of Quia emptores terrarum, which made 18. Ed. the first in feoffed another by deed to do certaine seruiçe, if the feoffor or his heires distraint him to doe other seruiçe then is comprised in the deed, then the tenant shall haue this writ, commaunding him that he distraint not him to doe other seruiçe, that is not comprised within the deede: and this writ lyeth not for the plaintife which claimeth by purchase from the first feoffee, but for such plaintife as claimeth as heire of the first feoffor.

Contributione faciendi.

Contributione faciendi is a writ, and it lyeth where there are diuers Parceners, and hee which hath the part of the church both make all the suit to the Lord, the others ought to make contribution to him.

and if they will not, he shall & ils ne voient, il auera
haue against them the said vers eux le dit brieve.
writ.

125 Conusance.

Conusance of Plee, is a
Priviledge that a Citie
or towne hath of the kings
graunt to hold plee of all
contractes, and of landes
within the precinct of the
franchise, and that when
any man is impleaded for
any such thing in the court
of the King at Westmin-
ster, the Maior and Bay-
lives of such Franchises, or
their Attourney, may aske
Conusance of the plee, that
is to say, that the plee and
the matter shall be pleaded
& determined before them.

But if the Court at
Westminster be lawfully
seised of the plee, before
Conusance bee demanded,
then they shall not haue
Conusance for that suit,
because they haue negli-
gently surceased their time
of demand thereof, but this
shall be no barre to them to
haue Conusance in an o-
ther action, for they may
demand Conusance in one
action, & omit it in another

Conusance.

Conusance de plee, est
vn priuiledge que vn
citie ou ville ad del grant
le Roy de tener plee des
tours contractes, & des ter-
res deins le precinct del
Franchise, & quant ascun
home est empleaded pur
ascun tiel chose en le court
de roy al Westminster, les
Maiors ou bailifes de tiels
Franchises, ou leur Attor-
nies, poient demander
Conusance del plee, ces-
ta scauoir, que le plee & le
matter serra plede & de-
termine deuant eux.

Mes si le court al West-
soit loyalment seise del
plee deuant que Conu-
sance soit demand, don-
ques ils ne aueront Conu-
sance pur cest suit, p ceo
que ils ont negligentmēt
surceale leur temps de de-
maunder ceo, mes cest ne
serra barre al eux dauer
Conusance en auter acti-
on car ils poient deman-
der Conusance en vn actioi.
& omitte ceo en vn autre
actioi.

The Exposition of

action a lour pleasure. action at their pleasure.

Et nota, que Conuſance ne giſt en preſcription, ſance ſpeth not in preſcription, but it bechooereth letters patents le roy pur ſheſe the kings letters patents for it.

129 Corodie

Corodie, eſt vn allowance de meate, pane, boyer, argent, veſtments, lodging, & tiels choſes neceſſarie pur ſoſtenance: eco aſcun ſoits eſt certain ou le certainty des choſes eſt limitee, aſcun ſoits vn certaine lou neſt limit le certainty que il auer. Et aſcun de eux commence per graunt fait per aſcun home al auter, et po t eſt pur vie, ans, en taile, ou fee, & aſcun corodies ſont de common droit, ſicome cheſcun founder de Abbies, priories, Nunries, & auters meaſons de Religious paſiſticke, auoiet authoritie daſſigner tiel en in les meaſons (quant ils fueront) pur ſon pere, frere, coſin, ou auter home que il voit, que prendroit eco, ſil fuit vn meaſon de Moignes, & ſi il ſoit founder del meaſon de nunnes

Corodie.

Corodie, is an allowance of meate, bread, drink, money, cloathing, lodging, and ſuch like things neceſſarie for ſuſtenance. It is ſometimes certaine where the certainty of things is ſet downe, ſometimes by certain where the certainty of things is not ſet downe which he ſhal haue. And ſome of th in begun by grant made by one man to an other, and it may be for life, peres, in taile, or in fee: and ſome Corodies are of common right, as cuſtome founder of Abbies, priories, nunries, and other houſes of religion, had authoritie to aſſigne ſuch in the ſame houſe, when they were ſtanding, for father, brother, coſin, or other man that hee would appoint, ſhould take it, if it were a houſe of Monks, & if he were founder of a houſe of Nunnes

or women, then for his ou muliers, donques ceo
 mother, sister, cousin, or pur sa mere, soer, cousin, ou
 ther woman that he would auter mulier que il voille
 direct al ceo, & tous
 direct thither, and alwaies iours cest prouiso fuit ew,
 this was prouided for, que il que ad Corodie en
 that he that had a Corody vn meason de Moignes ne
 in a house of Monkes, might not send a woman
 to take it. For where duist mitter vn seme de
 Corodie was due in a prender ceo. Ne ou Co.
 house, there it was not rodie fuit due en vn Nun-
 lawful to appoint a man rie, la il ne fuit loyall de
 to receiue the same, for appointer vn home de re-
 in both cases such presentati- ceiner ceo, car en ambi-
 on was to be reiect. And deux cases tiel presentati-
 this Corodie was due as on fuit destre reiect. Et
 well to a common person cest Corodie fuit due ci-
 that was founder, as bien a vn common pson
 where the King himselfe que fuit founder, sicome
 was founder, but where ou le Roy meisme fuit
 founder, mes ou le mea-
 the house was holden in son fuit tenuen en frankal-
 frankalmoigne, there the moign, la le tenure mesm
 tenure it selfe was a dis- fuit vn discharge de Corod-
 charge of Corodie againt die enconf tous homes,
 all men, except it were af- sinó que il fuit aps charge
 terward charged volun- voluntatiment, come ou
 tarily, as when the King le Roy voit mitter son
 would send his writ to the briefe al Abbe pur vn Co-
 Abbot for a Corodie, for rody, pur vn tiel, le que ils
 such a one, whom they ad- admit, la le meason doit
 mit, there the house should este charge p ceo a tous
 be thereby charged for e- iours, si le Roy soit foun-
 uer, whether the King der ou nemy. Vide breue
 were founder or not. Ser de Corodio habendo en
 the writ of Corod habendo Fitz. Natura breuium fol.
 in Fitz. Nat. b. fo. 230. 230.

The Exposition of

130 Coroner.

COroner, est vn auncient officer de trust, & de graund authoritie, ordeine destre vn principall conseruat, ou gardein de le peace, a porter record des plees del Corone, & del son view demesli, & de diuers autres choses mult en number &c. & pur ceo en temps le Roy Edward le primer cest estatute sequens fuit fait, pur c' que petit gentes meines sages soient eslieus, ore de nouel communement al office del Corosi, ou mestier serroit que pbes homes, loyalx, & sages se ensmellant de cel office. Purview est, que p tous les Counties loyent eslieus sufficient homes Coroners, de pluis loyalx & pluis sages Chivalers, que mieulx sachar, puissent, & voient a cel office entendre, & que loyalment attachent & representent les plees del Corone.

Et nient obstant le leti de cest estatut ne soit precisement obserue, vncore al meines le intent doit estre pursue, cy pres come

Coroner.

COroner, is an auncient Officer of trust, and great anthozitie, ordeyned to be a pzincipal conseruator, & keeper of the peace, to beare record of the Plees of the Crowne, and of his owne sight, and of diuers other thinges many in number, &c. and therefore in R. Edw. the first dayes this Statute following was made: tozasmuch as meane men and vndiscreet now of late are commonly chosen to the Office of the Coroner, where it is requisite that wise men, lawfull, and able should occupie such offices. It is pzouided, that thzough all Shires sufficient men should be chosen to be Coroners, out of the most wise & discreetest knights, which best knewe, could, & which faithfully made represented the Plees of the Crowne.

And although the letter of this Statute be not precisely obserued, yet at the least, the intent should be folloved, as nigh as

might

wought be, that for the de-
cent of Knights, Gentle-
men furnished with such
qualities as the Statute
saith of one (of which
yet there be many) might
be cholen with this addi-
tion, that they be vertuous
and good known Christians.
See heereof in the
statute of Coronatoe eligen-
do in Firz. Natur Breuium
fol. 163.

poit, issint que p le default
des Chiualers, Gentle-
homes furnished oue tiels
qualities si come le statute
parle (de que ils y ad di-
uers) poient estre esliu,
oue cest addition que ils
soient vertuous & bon co-
nus Christians. Vide de
ceo en le brieft de Coro-
natoe eligendo in Fitzh.
Natura breuium fol. 163.

Corporation.

Corporation, is a per-
manent thing that may
haue succession : And it is
an assembly and ioyning
together of many into one
fellowship, brotherhood, &
kind, whereof one is head
and chiefe, the rest are the
bodie, and this head and
bodie knit together, make
the Corporation. And of
Corporations some are
called Spiritual, and some
Temporall, & of those that
are Spirituall, some are
corporations of dead per-
sons in Lawe, and some
otherwise, and some are
by the authoritie of the
king onely, and some haue
being of a mixt authoritie,

Corporation.

Corporation, é vn chose
permanente que poit a-
uer succession : Et est vn
assemblée & ioyning en-
semble de diuers en vn
fellowship, fraternité, &
mêr, de que vn est le teste
& principall, les autres
font le corps, & cest teste
& corps ioint ensemble
font le Corporation. Et de
Corporations ascuns sont
appelles spirituals, & ascuns
temporals, & de ceux que
sont spirituals ascuns su-
ront corporatiôns de mort
persons en ley, & ascuns
auterment, & ascuns sont
p authoritie del roy sole-
ment, ascuns ont estr dun
mixt authoritie.

Et

The Exposition of

Et de ceux queux sont té-
poral ascús sont p' autho-
rité de Roy auxy, & ascús
per le common Ley del
Realme.

Corporation spirituell,
& de mort persons en le
ley, est lon le Corporatió
consist dun Abbe & Co-
uent, & ceux ont lour co-
mencement del Roy, & le
hors de Rome, quant il y
ad a fayre cy.

Corporation spirituell &
del able persons en le ley, est
lon le Corporatió consist
dun Deane & Chapt, Ma-
ster del Colledge ou Ho-
spitall, & cest corporation
ad commencement de Roy
solement.

Corporation téporal p'
le Roy é vn Maior & Co-
munaltie.

Corporation téporal
p' authorite del common
ley é le assembly en Par-
liament, le quel cōsist del
Roy le reste del corpora-
tion, & des Seigniors spi-
rituals & téporals, & les
Commons del Realme, le
corps del corporation.

And of those that are te-
porall, some are by the
thorite of the King
some by the common
of the Realme.

Corporation spirituell
and of dead persons in
law, is where the Cor-
poration consisteth of an
Abbot and Convent, and the
had beginning of þe King
the man of Rome when
had to doe here.

Corporation spirituell
and of able persons in law
is where the Corporatió
consisteth of a Deane &
Chapter, Master of a Col-
ledge or Hospitall, and the
Corporatió had beginning
of the King onely.

Corporatió téporal
the King, is where there
a Mayor & Communaltie.

Corporation téporal
by authoritie of the com-
law, is the assembly in pa-
liament, which consisteth
the & the head of the Co-
poration, and of the
Spiritual and Temporal
and the Commons of the
realme, the bodie of the co-
poration.

132 Bodies politike.

Bodies politike, are Bishops, Abbots, Monks, Deanes, Parsons of churches, and such like, which haue succession in one person onely.

Corps politike.

Corps politike sont Euesques, Abbés, Prieurs, Deanes, Parsons d'un esglise, & tiels semblables, queux ont succession en vn person seulement.

133 Corruption of bloud.

Corruption of bloud, is when any is attainted of felonie, or Treason, then his bloud is said to be corrupt, by meanes wherof his childzen nor any of his bloud cannot be heires to him, or to any other ancestor, for which they ought to claime by him. And if he were a noble or gentleman before, hee and all his childzen thereby are made vnnoble & vngentle, hauing regard to the nobilitie or gentry they claime by their father, which cannot be made whole againe by the Kings grant with our anthopitie of Parliament.

Corruption of bloud.

Corruption de sangue, est quant aucun est attaint de Felonie ou Treason, d'oques son sangue est dit deste corrupt, par reason de quel ses enfans ne ascendent de son sangue ne poient estre heires a luy ne a l'ascendant ancestor, pur que ils doyent claime per luy. Et si luy fuit noble ou gentle homme deuant, il & tous ses enfans per ceo sont faits ignoble & vngentle, ayant regarde a nobilitie ou gentrie ils claime per leur pere, que ne poient estre fait sans arriere par graunt le Roy sans auctorite de Parliament.

134 Cosinage.

Cosinage, is a wytt, and it tyeth where my great Grandfather, my Grandfathers grandfather, or my

Cosinage.

Cosinage, est vn brieffe, & gist lou mon beſaiel, & mon trefaiel, ou auter cosin deuiſe seise et fee simple,

H

The exposition of

simple, & vn estrange abara, cest adire, ent en les terres, donques ieo auera vers luy cest briefe, ou deuers son heire ou son alienec, ou deuers quecunque que aueigne apres a les dits fres. Mes si mon aiel deuie seisi, & vn estrange abate donques ieo auera vn br de Aiel. Mes si mon pere, mere, frere, loer, vn- cle, ou aunt, deuie seisie, & vn estrange abata, don- ques ieo auer vn assise de Mortdauncester.

simple, and a stranger a- bateth, that is to say, en- treth into the land, then I shall haue against him this writ, or against his heire, or his alienor, or against whomsoever the cometh after to the land. But if my Grand- father die seised, & a stran- ger abateth, then I shall haue a writ of Aiel. But if my father, mother, brother, sister, uncle, or aunt, die seised, and a stranger abateth, then I shall haue an Assise of Mortdauncester.

135 Couenant;

COuenant, est vn agree- ment fait p fait en es- cript & enseale perenter deux persons, lou chescun de eux est tenu al auter de performer certaine co- uenâtes pur son part, si lun de eux ne tiert pas son co- uenant mes enfreint ceo, donques celuy que se sent de ceo greuee, auera ent vn briefe de couenant.

Ed nota bien que nul br de Couenant serra main- tenable sauns especial- tie, si non en la Citie de

Couenant.

COuenant, is an agree- ment made by deede & writing & sealed betwixt two persons, where either of them is bounden to the other to performe certain couenants for his part, if the one of them holdeth not his couenant but bre- keth it, then he whiche ther- of seileth himselfe grieued, shall haue thereupon a writ of Couenant.

And note well that no writ of Couenant shall be maintainable without spe- cialtie, but in the citie of

London
which
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36
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of the c
marriage
into
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is called
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London, or in some other
such place privileged by
custom and use.

Londres, ou en aucun au-
ter quel lieu privilege per
custome & use.

36 Couverture.

Couverture, is when a
man and a woman are
married together, notwithstanding
whatsoever is done con-
cerning the wife in the time
of the continuance of this
marriage betwene them
is said to be done during
the couverture, and the wife
is called a woman covert.

Couverture.

Couverture, est quant en
home & vn feme sont
esposée ensemble, ore asc-
chose que est fait concer-
nant la feme en le temps
de le continuance de cest
marriage perenter eux est
dit desli fait durant le co-
uerture, & le feme esposée
est appel vn feme couert.

37 Couin.

Couin, is a secret assent
determined in the hearts
of two or more, to the pre-
judice of another: As if
tennant for terme of life,
tennant in tail, will se-
cretly conspire with ano-
ther, that the other shall re-
cover against the tennant
his life the land which hee
holdeth &c. in prejudice of
him in the reversion.

Couin.

Couin, est vn secret as-
sent determine en les
cœurs de deux ou plu-
sors, al piudice dun autre:
Come si tenant pur terme
de vie, ou tenât en le taile
secretment conspire oue
vn autre, que lautre reco-
uera vers le tenât pur vie
le terf que il tient &c. en
preiudice de celuy en le
reuerfion.

38 Cui in vita.

Cui in vita, is a writ, & it
lieth where a man is
seised of land in fee sim-
ple, or fee taile, or for terme
of life, in the right of his

Cui in vita.

Cui in vita, est vn briefe,
& gist lou home est
seisid de terres en fee sim-
ple, ou fee taile, ou pur
terme de vie, en droit sa

The exposition of

feme, & aliena mesme le terre, & deuie, donques el auera le dit brieft pur recouerer la terre.

Et nota bien que en cē brieft son tite doit este monstē, si soit de purchase la feme, ou de le heritage la feme. Mes si le baron alien le droit la feme, & le baron & la feme deuient, le heire la feme auera vn brieft de Sur Cui in vita.

And note well that this writ her title must shew whether it be the purchase of a woman or of the heritage of a woman. But if the husband alien the right of the wife, and the husband & the wife die, the widow may have a writ of Sur in vita.

Cui ante diuortium.

CVi ante diuortium, est vn brieft, & gift en semble maner, quant riel alienation est fait per le baron del terre la feme, & puis deuorce est ew enter eux, donques la feme auera cest brieft, & le brieft dira, cui ipsa ante diuortium contradicere nō potuit.

Cui ante diuortium, is a writ, and it lieth in this maner, when such alienation is made by the husband of the wives land after deuorce is had betwene them, then the man shall haue this writ, and the writ shall shew whom shee befoze the deuorce might not gaue.

Curtesie Dengle-terre.

Curtesie Denglereis, est l'au home prent feme seise en fee simple, ou fee taile generall, ou seise come heir de la taile especial, & ad issue p la feme

Curtesie of Eng-land.

Curtesie of England, where a man take his wife seised in fee simple, or fee taile generall, or as heire of the taile special, & hath issue by the

male or female, be the issue
 dead, or in life, if the wife
 the husband shall hold
 the land during his life by
 the Law of England: and
 this called tenaunt by the
 Curtesie of England, be-
 cause that this is not bled
 into other realme but only
 in England.

male ou female, soit issue
 mort, ou en vie, si la feme
 deuie, le baron tiendra la
 terre durant sa vie, per la
 ley de Angleterre: Et est
 appel tenant per le curte-
 sie de Angleterre, pur ceo
 que nest vse en nul autre
 Realme forsque tantsole-
 ment in Angleterre.

D

Damage fasant.

Damage fasant, is when
 a strangers beastes are
 in another mans ground
 without lawfull authoritie
 or licence of the tenaunt of
 the ground, and there doe
 bite, tread, and otherwise
 spoile the corne, grasse,
 wodes, or such like: In
 which case, the tenant to whom
 they hurt may therfore
 take, distraine, & impound
 them, aswell in the night
 as in the day. But in other
 cases, as for rent, and ser-
 uices, and such like, none
 may distraine in the night
 season.

D

Damage fasant.

DAmage fasant, est quāt
 les beasts de vn estrāge
 sont en auters terres sans
 authoritie loiall ou licēce
 del tenant de la terre, &
 la mangeront, tread, ou
 autrement spoyllont les
 blees, grasse, bois, ou tiela
 semblables: Et quel case
 le tenant que ils issint da-
 mage, poit pur ceo pren-
 der, distraine, & impound
 eux, cibien en le nuict
 come en le iour. Mes en
 auters cases, come pur
 rent, & seruices, & tiels
 sembles, nul poit distraiñ
 en le nuict temps.

Danegeld.

Danegeld, that is to bee
 quit of a certaine cust:
 which hath run som-

Danegeld.

DAnegeld, hoc est, quic-
 tum esse de quadā cō-
 suetudinē q̄cuerit aliquo

The Exposition of

tempor', quā quidem Da-
ni leuauerunt in Anglia.

Ceo commence primer-
ment in teps le roy Ethel-
dred, quel esteant en grād
distres p le continual eua-
sion de les Danes p pur-
chaser paix, fuit compell'
de charge son pais & peo-
ple oue importable pay-
ments, car il primermt donec
eux al cinque seūal paimts
113000.li. & puis grant al
eux 48000.li. annualment

times which the Danes
did leute in England.

This began first in the
time of King Etheldred
who being soze distressed
by the continuall euasion
of the Danes, to purchase
peace, was compelled to
charge his Countrie and
people with importable
payments, for he first gaue
them at fise generall pay-
ments 113000.℥. and af-
terwards graunted them
48000.℥. yearly.

143 Darreine present-
ment.

DARreine presentment,
vide de ceo apres titul'
Quare impedit.

Darreine present-
ment.

DARreine presentment,
looke theretofore after
the title Quare impedit.

144 Deane & Chapter.

DEane & Chapter, ē vn
corps corporate spiri-
tual, consistant de plusors
able persons in ley, come
nosmermt de Deane (que
est principal) & ses Pre-
bends, & ils ensembl' font
le corporation. Et sicome
cest corporation poyent
iointment purchase terres
& tenemēts al vse de leur
Eglise & successorus. Is-
sint auxy chescun de eux

Deane & Chapter.

DEane & Chapter, is a
bodie Corporate spiri-
tual, consisting of many
able persons in lawe, as
namely the Deane (who
is chiefe) and his Pre-
bends, and they together
make the Corporation.
And as this Corporation
may iointly purchase lands
and tenemēts to the vse of
their Church & successorus.
So likewise eueri of them

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DEci
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generally may purchase to feuerallint poir purchase al the vis of himselfe and his vsc de luy & ses heires, heires.

145 Decies tantum.

Decies tantum.

Decies tantum, is a writ and lyeth where a Juror in any enquest, taketh money of the one part or other to give his verdict, then hee shall pay tenne times as much as he hath received, & every one that shall sue may have action, and shal have the one halfe, and the King the other halfe. But if the King in such case release by his pardon to such a Juror, yet that shall be no bar against him & bringeth the action, but that he shal recover the other halfe, if his action be commenced befoze the pardon of the King, but if the pardon bee befoze any action, it is a barre against all men. And the same lawe is of all other actions popular, where one parte is to the king, and the other to the partie that sueth. And the embracers which procure such enquests shall be punished in the same manner. And they shall have the imprisonment of a pere

Decies tantum, est vn briefe, & gift lou vn Jurour en ascun enquest, prist argent dun parry ou dauter pur done son verdict, donques il payera x. foits a tant que il ad receiue. Et chescun que voil suer puit auer le action, & auera dun moitie, & le roy l'auter moitie. Mes si le roy en tiel case release per son pardon a tiel Jurour, vncore ceo ne serra barre vers celsuy que port l'action, mes que il recouera l'auter moitie, si son action soit commence deuaunt le pardon le Roy, mes si le pardon soit deuaunt ascun action, il est barre encounter toutes gens. Et mesme le ley est de toutes actions populaires lou vn part est al roy, & l'auter al parry que suera. Auxy les embracers que procurement tiels inquestes serront puny en mesme le maner: & ils aueront prisonnie de vn an.

The Exposition of

Mes nul iustice enquieret but no iustice shall inquire
de ceo de office, mes sole- thereof of office. but only
ment al suite del partie. at the suit of the partie.

J46 Declaration.

Decларation, est vn mō-
straunce en escript de
le grieve & complaint de
le demaundant ou plain-
tife enuers le tenaunt ou
defendant, en que il sup-
pose de auer receiue tort,
& cest declaration doit
estre plaine & certain, pur
ceo que il impeach le de-
fendant ou tenant & auxy
chace celuy a responder.
Mes nota que declaration
fait p le demaundant vers
le tenant en action Real,
est appel properment vn
Count.

Nota que le Count ou
declaration doit contene
demonstration, declara-
tion & conclusion. Et en
demonstration sont con-
teines troyes choses (cest
adire) que se plaint, &
diuers que, & de quel
chose, & en le decla-
ration doit estre com-
prise coment & en quel
maner le cause del action

Declaration.

Decларation, is a shew-
ing in writing of the
grieve and complaint of the
demaundant or plaintiff
against the tenant or de-
fendant wherein hee sup-
poseth to haue receiued
wrong, and this declaration
ought to be plaine and cer-
taine, both because it im-
peacheth the defendant or
tenant, and also compelleth
him to make answer ther-
to. But note that such de-
claration made by the de-
mandant against the tenant
in an action Real, is pro-
perly called a Count.

Note that the Count or
declaration ought to con-
taine demonstration, decla-
ration, & conclusion. In
the demonstration are con-
teined three things, (that
is to say) who him complai-
neth and against whom, &
for what matter, and in the
declaration what ought to
be comprised, how and in
what manner the action

role betwixne the parties, & when, and what day, yere and place, and to whom the action shall be giuen.

And in the conclusion, he ought to enuerre and profite to proue his suite, and shew the damage which he hath sustained by þe wrong done unto him.

147 Dedimus potestatem.

Dedimus potestatem, is a writ, and it lyeth where a man sueth in the Kings Court, or is sued, & may not well traueil, then he shall haue this writ directed to some Justice, or other discreet person in the Countrey to giue to him power to admit some man for his Atturney, or to leuie a fine, or to take his confession or his answer, or other examination, as the matter requireth.

148 Defendant.

Defendant, is he that is sued in action personall, and he is called tenant in an action Reall.

149 Defence.

Defence, is that which þe defendēt ought to make

surdit enter les parties, & quant & quel iour, an, & lieu, & a que l'action sera done.

Et en perclose il doit auerre & profer de prouer son suit & monstra les damages queux il susteine þe tort a luy fait.

Dedimus potestatem.

Dedimus potestatem, est vn brieve, & gist lou vn hom̄ sua in le court le roy, ou est sue & ne puit bien traueiler, donques il auer cest brieve direct a asc' Justice ou autre discret person en le payes de doner a luy power pur admit ascū pur son Atturney, ou de leuie fine, ou de prēder son confession, ou son respōs, ou aut examinatio come le matter require.

Defendant.

Defendant, est celuy que est sue en action personell, & est appel tenant en vn action Reall.

Defence.

Defence, est ceo que le defendaunt doit sayre

im.

The Exposition of

immédiatement apes le count ou declaration fait, cest adire, que il defendra tout le tort, force, & damage, lou & quant il denera, & donques de proceed ouster a son plee, ou de imparler.

Et note, que tant que il se excuse del tort vers luy surmise, & fait se partie al plee, & per tant que il defende les damages, il affirme le partie plaintife able destre respōdue,

Et pur le residue del defence, il accepte le power del court de oyer & determine les ples de cel matter. Car sil voile pleder al Jurisdiction, il doit omitre in son defence les parols (ou & quaut il deuera) & sil voile monstre aucun disability en le plaintife, & demaunde iudgement si le partie serra respōdue, donques il doit omitter le defence del damage.

immediatly after the count or declaration made, that is to say, that he defendeth all the wrong, force, and damage, where and where he ought, and then to proceed farther to his plea, or to imparle.

And note, that in so much that he defendeth the force and wrong, hee doth excuse himselfe of þe wrong against him surmised, and maketh him partie to the plea, and in so much that he defendeth the damage, hee affirmeth the partie plaintife able to be answered unto.

And for the residue of the defence, hee accepteth the power of the Court to heare and determine their pleas of this matter. For if he will plead to the Jurisdiction, he ought to omit in his defence these wordes (ou & quaut il deuera.) And if hee will shew any disability in the plaintife, and demaunde iudgement if the party shal be answered unto, then hee ought to omit the defence of the damage.

150 Demaundant.

Demaundant.

DEmaundant, is hee that sueth or complaineth in an action Real for title of land, and he is called plaintiff in an Assise, & in an action personal, as in an action of debt, trespass, deceit, detinue, and such like.

DEmaundant, est celuy que lue ou complainte en action Real pur title & terre, & il est appel plain-tife en vn Assise, & en vn action de det, trespass, deceit, detinue, & rich semblables.

151 Demaines.

Demaines.

DEmaines, or demesnes, generally speaking according to the Law, bee all the parts of any man: nor which bee not in the hands of freeholders of estate of inheritance, though they bee occupied by Coppholders, Lessees for years, or for life, as well as tenants at will: But especially to speake, Demaines according to the common speech bee onely understood the Lordes chiefe manors place, which hee and his suncestours haue from time out of minde, kept in their owne hands, and haue occupied the same, together with all buildings and houses

DEmaines, ou demesnes, generalment a parler solongue le ley sont tous les parts de aucun manor quel ne sont en maines d' Freeholders destate de inheritance, coment soient occupies per tenant per copie de court Roll, Lessees pur ans, ou pur vie, ciben come tenant a volunt: Mes specialment a parler, Demaines solong; le common parlans sont solement entend le principal mannour place del Seignior, que il & ses suncestors ont eue de temps hors de memorie en leur maines demesne, & ount occupy ceo, ensemble ouz tous edifices & meafons que

The Exposition of

quecunque : Et auxy les whatsoeuer: Also the mea-
prees, pastures, bois, terres dowes, pastures, woodes,
eyrable, & tiels semblables eyrable land, and such like
oue ceo occupie. therewith occupied.

152 Demy sanke ou
sanguie.

Demy sanke, est quant
vn home mary vn
& ad issue vn filz vn
filz de femme moruit,
il prist vn au-
tre femme, & ad per luy
auxy vn fils ou fille. Ore
ceux fils sont solonque vn
maner freres, ou come ils
sont appellez demy freres,
ou freres del demy sanke,
cest adire frere per le part
de pier, par ceo que ils
ont ambideux vn pier, &
sont ambideux de son
sanguie, & nemy freres per
le part le mere, ne de as-
cun sanke ou kin cest voy,
& pur ceo lun de eux ne
poit este heire al auter,
car il que voile clame cōe
heire al vn per discent,
doit este dentier sanke a
luy de que il clame. En
mesme le maner est si fe-
me eyt diuers issues per
diuers barons, qui freres
vicerini dicuntur.

Halfe blond.

Halfe blond, is when a
man marieth a wiffe, and
hath issue by her a son or
daughter, and the wiffe dy-
eth, and then he taketh an-
other woman, and hath by
her also a son or daughter,
Now these two sons are
after a sort brothers, or as
they are termed halfe bro-
thers, or brothers of the
halfe blond, that is to say,
brother by the fathers side,
because they had both one
father, and are both of his
blond, and not brothers at
all by the mothers side, nor
of blond ne kin that way,
therefore the one of them
cannot be heire to other, for
he that will claime as heire
to one by discent, must be of
whole blond to him from
whom he claimeth. In the
same maner it is if a wo-
man haue diuers issues by
diuers husbands, who are
called brothers by one mi-
ther, and another.

153 Demurrer.

DEmurrer, is when any action is brought, & the defendant pleadeth a plea, to which the plaintife answereth, that he will not answer, for that it is not a sufficient plea in the law, & the defendant saith to the contrary, that it is a sufficient plea, and thereupon both parties do submit the cause to the judgement of the court, then that is called a Demurrer, for that they goe not forward in pleading, but abide upon the judgement of that point, and is said in the Latine bled in the Records, Moratur in lege.

Demurrer.

DEmurrer, est quant a se actio est port, & le defendant plede vn plee a que le plaintife dit que il ne voile respond, pur ceo que il nest sufficient plee en ley, & le defendant dit al contrarie, que il est sufficient plee, & sur ceo ambeux mitteront le cause al iudgement del Court, donques c' est appell' un Demurrer, pur ceo que ils ne vont ouster en pleading, mes demurrer sur le iudgement de cel point, & dicitur en Latin vse en les Records, Moratur in lege.

154 Denizen.

DEnizen, is where an alien bozne becometh the Kings subiect, & obtaineth the R. letters patents for to enjoy all privileges as an Englishman, but if one be made Denizen, he shall pay customes, and others other things as aliens, as it appeareth by divers statutes thereof made.

Denizen

DEnizen, est lou alien nee deuiant le subiect le Roy, & obtaine le R. letters patents le Roy pur enioy tous priuileges, come vn home Anglois: Mes si vn soit fait Denizen, il paye customes, & diuers autres choses come alien, come appiert per diuers statutes de ceo fait.

The Exposition of

155 Deodand.

DEodand, est quant aucun home per misfortune est occide p vn chival, ou per vn charret, ou per autre chose que moua en aydant de mort, donques cel chose que est le cause de son mort, que al temps de la misfortune moua, serf forfeit al Roy, & ceo est appel Deodand, & ceo pertaigne al Almoner le Roy pur disposer en almes & acts de charitie.

Deodand.

DEodand, is when any man by misfortune is slaine by a horse, or by a cart, or by any other thing that moneth to further the death, then the thing that is cause of his death, and which at the time of his misfortune did moue, shall be forfeit to the King, and that is called Deodande, and that pertaineth to the Kings Almoner, for to dispose in almes and acts of charitie.

156 Departure de son plee ou matter.

Departure from a plee or matter.

DEparture de son plee ou matter, est lou vn home plede vn plee en barre, & le plaintife reply a ceo, & il aps en son reioinder plede ou monstre autre matter, contrarie ou nient pursuant a son premier plee en barre, ceo est appel vn departur de son barre, &c.

DEparture from a plee or matter, is where a man pleadeth a ple in barre, & the plaintife replieth thereto, & he after in his reioinder pleadeth or sheweth another matter, contrarie or not pursuing, to his first ple, that is called a Departure from his barre &c.

157 Departure en spite del Court.

Departure in despite of the Court.

DEparture en spite del Court, est quant le te-

DEparture in despite of the Court, is when he te-
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DEp
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nant or defendant appeareth to the action brought against him, and hath a day over in the same Terme, or is called after, though hee had no day given him, so that it bee in the same terme, if he do not appeare but make default, it is a departure in despite of the Court, and therefore hee shall be condemned.

nant ou defendât appeâl al action port eueurs luy, & ad iour ouster en mesm le terme, ou est demande as, coment nul iour soit a luy done, issint que soit en mesme le terme, sil ne appeare mes fait defaule, cest vn departure en despite de Court, & pur ceo il serra condemne.

158 Deputie.

Deputie, is he that occupieth in another mans right, whether it be office, or any other thing els, and his sozlettur or misde-meanour shall cause the officer, or him whose deputie he is, to loose his office or thing. But a man cannot make his deputie in all cases, except the graunt so be: as if it be with these or suchlike woordes, to exercise or vse by himselfe or his sufficient deputie, or if the woordes goe further, to himselfe or his deputie, or the deputie of his deputie, then he may make a deputie, and his deputie also may make a deputie, or else not.

Deputie.

Deputie est celuy que occupia en aut droit, soit ceo office ou ascû autre chose, & son forfeiture ou misdemeanor causera lossic' ou celuy que deputie il est de pder son office ou chose. Mes vn ne poit faire son deputie en toutes cases, nisi le graunt soit issint: si come il soit oue ceux ou tiels semblables parolx, exercendo p se, vel sufficient deputatum suū, ou si les parolx yz ouster, per se vel deputatum suū, aut deputat deputati, donques il poit faire vn deput, & son deputy auxy poit faire vn deputie, autrement nemy.

The Exposition of

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Det.

Debt.

DEt est vn briefe, & gift
lou aucun somme dar-
gent est due a vn per rea-
son de accompt, bargaine,
contract, obligac', ou au-
ter especialty, a estre pay
a ascú certain iour, a quel
iour il ne paia pas, don-
ques il auera cest briefe.
Mes si aucun somme de ar-
gent soit due a ascú Seig-
nour per son tenant, pur
aucun rent seruice, le Seig-
nour ne vnques aúa acti-
on de det pur ceo, mes il
couiét tous foits distrain
pur ceo. Auxy pur rent
charge ou rent seck, quel
hoim ad pur terme de son
vie, en taile, ou en fee, il
auera action de det cy
longe cõe le rent endure,
mes ses executors poient
aueir vn action de det pur
les arrerages de aucun des
dits réts due en le vie leur
testator, per lestatute 3a.
H. 8. cap. 37.

Mes pur les arrerages de
rent reservee sur vn lease
pur terme de ans, le lessor
est a son election de aueir
action de det, ou pur di-
strainer: Mes si le lease soit

DEbt is a soyt, and it is
eth wher any summe
of money is due to a man
by reason of account, bar-
gaine, contract, oblig-
tion, or other especialty, to
be payed at a certayne day,
at which day hee payeth
not, then he shall haue the
soyt. But if any summe of
money be due to any lord
by his tenant for any ser-
uice, the lord shall ne-
uer haue action of debt by
that, but it behoottieth him
alway to distraine for it.
Also for rent charge or
seck, which any man hath
for life, in taile, or in fee,
he shall not haue any action
of debt as long as the rent
continueth, but his execu-
tors may haue an action
of debt for the arrerages
of any of the said rents due
in the life of their testator
by the Statute 31. H. 8.
cap. 37.

But for the arrerages of
rent reserved upon a lease
for terme of yeares, the lessor
is at his electiõ to haue
an action of debt, or for
distrain: but if the lease be
distrain

determined; then hee shall
not suffer any other for that
sum: And hee shall haue
an action of debt for the ar-
reresages.

And note, that by the law
of the realme, debt is onely
taken to arise vpon some
contract or penalty impo-
sed by some statute or pain,
and not by other offences:
as in the Ciuill law, *Debi-
tum ex delicto.*

*Deuastauerunt bona
testatoris.*

Deuastauerunt bona te-
statoris, is when the
executors will deliuer the
legacies that their testator
hath giuen, or make restitu-
tion for wrongs done by
him, or pay his debts due
vpon contracts, or other
debts vpon specialties,
whose dates of paymēt are
due per come &c. And hee
not sufficient in their hands
to discharge those debts
vpon records or specialties
if they are compellable for-
merly by the law to satis-
fy, then they shall be constrain-
ed to pay of their owne goods
those vneties, which at the
law by the law they were
compelled to pay, according

deuain, donques il ne di-
stainera aps pur ce reu-
mes consent luy donec luy
action de debt par les ar-
reresages.

Et nota, que p le ley del
Realme, deue est solement
prise de surdeur sur le co-
tract ou penalty imposee p
aucun statute ou paine, &
nemy pur autre offences:
come en le Ciuill ley, *De-
bitum ex delicto.*

*Deuastauerunt bona
testatoris.*

Deuastauerunt bona te-
statoris, est qnt les ex-
ecutors voyle deliuer les
legacies que leur testator
ad done, ou faire restituti-
on pur torts faics p luy, ou
pay ses debts due sur con-
tracts ou autres detrs due
sur specialties, que iours
de paymēt ne sont vncore
uegus &c. Et ne gard suffi-
cient en leur mains p dis-
charger ceux debts sur re-
cords ou specialties, que
ils sont compellabl' primi-
ment p le ley de satisfaire,
donques il serrot constrain-
de payer de leur biens de-
mein ceux duties, le quel
al primes p le ley ils suet
cōpelles de paier, accordē

The explication of

La value de ceo que ils deliueront ou payent sans compulsion, car tels paiemens de debtes, ou deliuerie de legacies, cōe est auantdis, deus debtes paies sur specialties ou records, quel iours de paymēt sont a ore veuus, sont account en le ley en vestant des biens del testat, cy tant come si ils ad done euz sans cause, ou vend euz, & conuert a leur proper vie.

to the value of that which they deliver or payen by compulsion, for such payments of debts, or deliverie of legacies, as is aforesaid, before debts paid by specialties or records, what dayes of payment are accounted in the Lawe a vesting of the goods of the testator, as much as if they had given them away without cause, or sold them and converted them to their owne use.

161 Deuise.

Deuise.

Deuise est lou vn home en son testamēt, done ou graunt ses biens ou ses terres a vn aut apres son decease. Et lou tel deuise, est fait des biens, si les exccutors ne voient deliuer les biens ou auters chatels personals a le deuisee, le deuisee nad remedy per le common ley: Mes il couient de auer vn Citation vers les exccutors le testator dappearer deuant le Ordinarie, de monstre pur quoy il ne pei fourma le volunt le Testator, car le deuisee ne poir

Deuise, is wher a man is his testament, giue or bequeatheth his goods or his landes to another after his decease. And wher such deuise is made of goods, if the exccutors will not deliver the goods or chatels personals to the deuisee, the deuisee had no remedie by the common law: but it behooveth him to have a Citation against the exccutors of the testator, to appeare before the ordinarie, to shew why he payeth not the will of the testator, for the deuisee may

Termes of the Law.

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not take the legacie and prender le legacie & luy
 erue himselfe, but it must mesme scruter, mes il doit
 be deliuered to him by the cestre deliuer a luy per les
 executors. executors.

But by the common law, Mes p le common ley.
 if a man be sole seised of si home fait sole seise de
 lands in his demesne as terres en son demesne
 of, & deuise the landes come de see, & deuise les
 by Testament, this deuise terres p son testamēt, cest
 was hold, vntill the landes deuise fait void, sinon les
 were in Citty or Borough terres fueront en vn Citie
 where lands be deuisable ou Borough lou terres
 by custome. But if any sont deuisable p custome.
 man were intressed to the Mes si aucun home fuisseit
 use of another & his heires, entresse al vse dun auter
 & he to whose vse he was & ses heires, & cesty a que
 so seised did make deuise of vse il fait issint seise fesoit
 his lands, this deuise was deuise de ses terres, cest
 good, though it be not in a deuise fait bone, coment
 towne where lands are que il ne fuit en ville lou
 deuisable. terres sont deuisable,

Also if any man deuise Auxy si aucun home de-
 lands in Citty, towne, or nise tres en Citie, ville, ou
 Borough deuisable, and borough deuisable, & le
 the deuise by death, if his deuisor deuie, si son heire
 here or any other abate en ou aucun auter abate en
 the lands, then the deuise les terres, donques le de-
 shall haue a writ of Ex nisee auā bre de Ex graui
 grau querela: But this querela: Mes cest briefe
 may shall neuer be pleaded ne serra iamais plede
 before the Kings Justice, deuant le Iustice le Roy,
 but alwayes before the mes tous foits deuant le
 Mayor or Bailiffes in the Maior ou Bailiffes in le dit
 towne. ville.

And here to the end to Et ore al fine de moni-
 the book much & lasing of stre quauant les leyes de
 1 a cest

The exposition of

cest Realme, & les discreet this Realme, and the
 luges de ceo, queux wise discrete Judges
 sont les interpreters de le the same, who are the in-
 ley, ont fauour voluntes terpraters of the Law, be-
 & testaments, & issint fauor wils and testamts,
 deuises en yeelding aleux and so deuises in yeelding
 tiel reasonable constructi- to them such a reasonable
 on, come ils pensant poit construction, as they thinke
 bien agreer oue les men- might best agree with the
 tes de les morts, conside- mindes of the dead, consi-
 rantes que volüts & testa- dering that wils and Te-
 mts sonts pur le plus part, staments are for the most
 & per common intende- part, and by common in-
 ment fait quant le testa- tendment made when the
 tour est ore en graund testator is now very sick,
 langor, feeble & passa tout weake, and past all hope
 sperans de recouerie, car of recouerie, for it is a
 il est vn opiniöen le paies received opinion in the
 enter le greind' number, Countrey amongst men,
 que si vn hom per chance that if a man should chance
 soit cy prudent come de to be so wise, as to make
 faire son volant en son his will in his good health,
 bon santie, quauant il est when hee is strong, of
 strong, de bon memorie, good memozy, & hath time
 & ad temps & opportuni- and leasure, and might
 tie, & poit demand coun- aske counsell if any doubt
 sell si aucun doubte soit de were of the learned, that
 le learned, que donques il then hee should not live
 ne doit viuer long aps, & long after, and therefore
 pur e' ils ceo deferre tanq; they deferre it so long time
 tiel tēps qñt ceo soit plus when as it were more
 conueniēt de applier eux conuenient to apply them-
 mesmes a le dispositiō de selves to the dispositions
 leur almes, q de leur tres of their soules, then of
 & biens, sino q il soit q p their landes or goods, ex-
 cept it were that by the

fresh memorie, and recitall of them at that time, it might bee a cause to put them in minde of some of their Goods or Landes falsly gotten, and to mone them to restitution, &c. And at that time the penalties of such writtes are commonly committed to the Minister of the parish, or to some other more ignorant then he, who knoweth not what wordes are necessarie to make an estate in fee simple, fee taile, or by terme of life, or such other, besides many other mischietes: I will therefore here set downe some of those cases that are most common in ignorant mens mouthes, and doe carrie by the false interpretation of the Judges, as is shewelsaid, a larger and a more fauourable sence in law then in deeds.

First therefore if one devise to J. D. by his will all his lands & tenements here not only all those lands that he hath in possession but also those that he hath the reversion of by terme of those wordes re-

fresh memorie, & recitall de eux a cest temps, il poit estre vn cause de mist eux en menr de aucun de leur biens ou terres faulximēt purchase & issint mone eux al restitution, &c. Et a cest temps le escripture de tiels volunt sont communemēt cōmit al minister del paroch ou al ascū autre plus ignorant que luy que ne scauoit queux parols sont necessary p faire vn estate en fee simple, fee taile, pur terme de vie, ou tiels semblables, preter diuers autres mischietes: Ieo voile pur ceo mis cy ascūs de ceux cases queux sont plus common en les bouches de les ignorant hōes & portent per le seauient interpretations de les Judges, come est auant dit, vn large & plus fauourable sence en Volunts que en Faits.

Et pur ceo primerment si vn deuise al I.S. per son volunt, tous les terres & tenements, icy non soleint tous ceux tres que il ad ē possession passōr, mes auxy ceux de q il ad le reuerfio p vertue de ceux pōls re-

The Exposition of

nements.

Et si terres sont deuise a vn hoſi a auer a luy impetuum, ou auer a luy & ſes assignes, in ceux deux casles le deuisee auera ſee ſimple. Mes si soit done p feoffement in quel maner, il nad forsque eſtate pur terme de vie.

Auxy si vn home deuise ſes terres al auter, pur doner, vender, ou faire de c' a ſon volūt & pleasure, cē ſee ſimple.

Vn deuise fait al vn & a ſes heires males fait vn eſtate tail: mes si tiels parolx ſont mis in vn fait de feoffement, il serra priſe ſee ſimple, pur ceo que il nappiert de que corps les heires males serra ingendre.

Si terres ſont done per fait al I.S. & a les heires males de ſc' corps &c. que ad iſſue ſile, que ad iſſue ſires, & moruſt, la le terre reuertera al donour, & le ſirs de ſile naura ceo, pur ceo que il ne poit a luy meſme conueier per heires males, car la mere eſt vn obſtacle a ceo: Mes

nements.

And if land be deuised to a man, to haue to him ſoz impetuum, or to haue to him & his assignes, in these two cases the deuisee ſhall haue a ſee ſimple. But if it be giuen by feoffement in ſuch maner, hee hath but an eſtate ſoz terme of life.

And if a man deuise his land to another, to giue, or do therewith at his pleasure or will, this is a ſee ſimple.

A deuise made to one, & to his heires males doth make an eſtate tail: But if ſuch wordes be put in a deed of feoffement, it ſhall be taken a ſee ſimple, because it doth not appere of what bodie the heires males ſhall be begotten.

If landes be given by deeds to J. S. and to the heires males of his body &c. who hath iſſue a daughter, who hath iſſue a ſon, & dyeth, there the land ſhall returne to the donour, and the ſonne of the daughter ſhall not haue it, because he cannot conuey himself by heires males, for his mother is a les thereto, but other

otherwise it is of such a nature est de uel devise,
 devise, for there is son of the car la le fils del fideleso a-
 daughter shall have it ra vera plusost que le volur
 ther then if son shall be both. serra void.

If one devise to an In. Si vn devise a lenfant en
 fant in his mothers belly, ventre matris sue, cest bon
 it is a good devise, other- devise, autint est per fesse-
 wise it is by fessment, ment, graunt, ou done, car
 graunt, or gift, for in those en ceux cases il doit estre
 cases there ought to be one vn del habilitie pur pnder
 of ability to take present- maintenant, autint il est
 ly, or otherwise it is voyd. voide.

A devise made in fee Vn devise fait en fee
 simple without expresse simple sauns expresse pa-
 words of heires, is good in rols del heires est bon en
 fee simple. fee simple.

But if a devise be made Mes si vn devise soit al
 to J. S. her shall have the L. N. il aia les terres forsque
 land but for terme of life, pur terme de vie, car ceux
 for those words shall carry parols ne voient porter
 no greater estate. greinder estate.

If one will that his son Si vn voile q son fils L.
 shall have his land after auera son terre puis le
 the death of his wife, here mort sa feme, icy le feme
 the wife of the devisor shall le devisor aia le ceri pri-
 have the land first for term of mes pur terme de sa vie.
 life. So likewise if a man Issint si home devise ses
 devise his goods to his biens a sa feme, & que
 wife, & that after he decease apres le decease de son
 of his wife, his son & heire feme, son fils & heire au-
 shall have the house where ra le meason, ou les biens
 the goods are, there the son sont, la le fils auvera le
 shall not have the house meason, durat le vie de le
 during the life of the wife, feme, car il appiert que
 so it both appear that his son intent fuit que sa feme
 intent was, that his wife son intent fuit que sa feme
 doit

doit auer le meison auxy: should haue & house also for
pur terme de sa vie, mient terme of her life, not with
obstan il ne suit deuiser: & stading it were not deuised
luy per expresse paroles: to her by expresse wordes.

Si un denise soit al l.N. If a denise be to J. N.
& a les heires females de and to the heires females
son corps engendre, spr of his bodie begotten, of
le denisee ad. Que fies & ter the denisee hath issue
file, & maruilliey le file a sonne and daughter, & de
uera le retre, & neiny le eth here the daughter shall
fies, & vntore il est plus haue the land, and not the
digne pson, & heire al son son, and yet he is the most
prie, inel pur ceo que vo worthy person, and he is to
lnt de son nez, est que le file his father, but because the
doit res auer, ley & con will of the dead is, that the
science voer issint auxy. daughter should haue it.

Is not shewen by the lawe a conscience will so alle.

Et en cest point les hea- And herein the very hea-
then fueront pise, come thens were pise, as ap-
appiet per ceux versés de ppieth by those verses of
Octavius Augustus que Octavius Augustus which
Donatus report il seloit a Donatus reporteth, he
presque Virgil a son mort made after that Virgil
de noie commandement que his death gave commandment
seuliers poient estre com- ment, that his book
bure, pur ce que ils fueront should be bure, because
imperfect, & vntof ascuns they were imperfect, & yet
person dont que ils doient some persons that they
estre saué, come en fait ils should be saved, as indeed
happient fueront, & que they happily were, to shew
il respondint: Sed legu hee answered thus: Vnde
seruanda fides, suprema faith and sin must needs
voluntas: Quod mande, be kept; and what law must
fier que iuber, pareo ne doth say: And what it com-
celle est. manding her done, that
neceste est. neede she must obey.

Diem clausit extre-
mum.

Diem clausit extremum, is a feignit, & it pertye sheweth the king's tenand, that holdeth in chief by the, this feignit shall bee directed to the Exchequer, to enquire of what estate he was seized, & who is next heir, and his age, & of the certaintie of the land, and of what value the land is, and of whom it is holden, and the inquisition shall be returned into the Chancery, which is commonly called, the office after the death of that person. But there is another usage of Diem clausit extremum, awarded out of the Exchequer, after the death of an accountant or debtor of his estate, to settle the debt of his heirs, executor, administrators, lands or goods.

Diem clausit extre-
mum.

Diem clausit extremum, est un breife, & gift l'on le tenant le roy, que dient en chief morust, lorsque cest breife sera diree al escheq denquirer de quel estat il fut seigneur, & de quel age, & de la certaintie del terre, & de quel value le fere est, & de que ceo est tenu, & cel inquisition sera retorne en le Chancery, & est communement appellee, l.e. office aps le more del cel person. Et est aut breife de Diem clausit extremum award hors del Exchequer aps le more del un accountant ou debitor al Roy, a leuier le debte de son heyre, executor, administrators, terres ou biens.

163

Discent.

Discent, is in ij. sorts, either lineal or collateral. Lineal discent is when a discent is conveyed in the line of a whole blood, as Grandfather, Father,

Discent.

Discent, est en ij. sortes, ou lineal, ou collateral. Lineal discent, est quant le discent, est conveye en mesme le lyne de tierce langue, come ayle, pere, fils,

The Exposition of

frs, frs del frs, & issint de-
bassa.

Collateral discent, est
dehors en vn aut brāch
de haut dentier sangue
come le frere del ayle,
frere del pere, & issint de-
bassa.

Mora que si vn deuie sei-
sin en fce ou en taile, de f-
re en quel auer ad droit
denier, & c' descend a son
heire, c'el discent tollera
le titre de cestuy que droit
auoir denier, pur ceo que
le heire ad ceux per le dis-
cent de son pere, & issint
vient a les retenir p' est
de ley, & cestuy que droit
ad ne puit lay ouster per
entre sur luy, mes mise de
suer son brief a demaund
le titre solong; le natif de
son titre. Vide de c' Little-
lieur 3. ca. 6. & stat 32. H. 8.
cap. 33.

sonne; sonnes; l'onneur;
so desoncheur.

Collateral discent is
in another branch of
from about of the
blood, as Grandfather
brother; Father's brother
and so desoncheur.

Note that if one die
sed in fe by in taile of
in which an other
right to enter, and that
centeth to his heire, the
descend shall take a long
entrie of him which
right to enter, for that
the heire hath them by
cent from his father, &
came unto those tenement
by the doing of the law, an
hee that hath right com-
pnt him out by entering
on him, but he put to
him so it to demaund the
land, according to the
ture of his title. See here
of in Little lib. 3. ca. 6. Stat
32. H. 8. cap. 33.

164 Disclamer.

Disclamer, est lou le
Seignieur distraint son
tenant, & il sua reple-
vin, & le Seignieur a-
uoue le prisel, per reason

Disclaymer.

Disclamer, is where the
Lord distraineth his
tenant, and hee sueth a
pleur, & the Lord a-
uoweth the taking, by reason

that he holdeth of him, if the
tenant say that he disclai-
meth to hold of him, this is
called a disclaimer, & if the
lord thereupon bring a
suit of right for disclaimer
and it be found against the
tenant, he shall lose his land.
Also if one bringeth a Pre-
cipe against two other for
the land, & the tenant disclai-
meth & saith, that he is not
either tenant, neither clay-
munt any thing therein, then
the other shall have the whole
land. But if the Precipe be
brought against one alone,
& he disclaimeth as is afo-
resaid, the suit shall abate, &
yet the demandant may en-
ter into the land, & hold it in
his rightful estate, although
his entry be not lawful.

que il tient de luy, si le te-
nant dit que il disclame
de reuer de luy, cest appel
vn disclaimer, & si le Seig-
nour sur ceo port brieve
de droit sur disclaimer, &
il soit trouue enconner le
tenant, il perdra le terre.
Auxi si vn port vn Pre-
cipe vers deux autres pour
terre, & le tenant disclame
& dit que il n'est de ceo
tenant, ne clame rien en
ceo, donques l'autre auera
tout le terre. Mes si le pre-
cipe soit enuers vn seul, &
il disclame, come auant
est dit, le brieve abatera, &
vncore le demandant poit
enter en le terre, & ceo
tenir en son droituel es-
tate coment son entry en
fuit loyal.

Discontinuances

Discontinuance, is when
a man alieneth to an
other, lands or tenements
and dieth, & an other hath
right to the same lands, and
may not enter into them
because of his alienation,
as if an Abbot alien the
lands of his house to an

Discontinuance

Discontinuance, est quāt
vn home alien a vn au-
ter terres ou tenement
& morust. & vn autre ad
droit a mesme le terres &
ne puit enter en eux per
cause de cel alienation, si
come vn Abbot alien les
terres de son maison a vn
curé

The Exposition of

autor en sue, ou in feodally
ou par terme de vie, ou
vn home alien les terres
que il ad en droit sa femme,
ou teneant en tail fait de
les terres done a luy & a
ses heirs de son corps, as-
cun fessement, don & tail,
ou locat par vie riens parat
par sonne 3. l. 8. p. fin
ou locat de seisin, donq;
nich alienations sont appels
discontinuance, car teli
estates passent tous sans
persuery & seisin, & en
ceux cases le successeur
labbe, ne la femme apres le
mort son baron, ne lissue
en le taile apres le mort
le teneant en le taile, ne
ceux ni remainer ou re-
uerbon puis le fine del es-
tate taile, ne porient entre-
mes chescun de eux est
mise a son action.

Vnde plus de ceo en
Littleton li. 3. ca. 11. & 32.
H. 2. ca. 17. que tunc dis-
continuances per baron
seisi en droit son feme.

160 Dismes.

Dismes, sont les dismes
parts de asc chose, mes
proprement de deux choses

other in fee, by fee taile,
for terme of life, by a
alien the land that he
in the right of his wife,
if tenet in the taile made
of the land given to him
to the heirs of his body,
by fessement, gift in taile,
lease for life, or for term
by the tenant, i. by a by
of livery or seisin, then
alienations be called Dis-
continuance, for such estates
pass away by livery & seisin,
& in the cases the suc-
cessors of the Abbot, or
woman after the death
her husband, or the issue
the taile after the death
the tenant in taile, nor they
that have any remainder
reversion after the end
the estate taile, may not
ter, but every of them is
put to his action.

De moye heretof in L. 11.
lib. 3. ca. 11. & 32. H. 8. ca. 11.
which taketh away discon-
tinuances by the husband
seised in right of his wife.
Tithes.

Tithes, are the tithes
parts of any thing, the
property of those things
which

which doe increase, which
the most part do belong
to ministers of the Church
for their maintenance, and
they be in three sorts deui-
ded to wit, prediall tithes,
personall tithes, and mixt
tithes. Prediall tithes are
tithes that bee payed of
things that come of the
ground only, as corne, hay,
fruits of trees, & such like.

Personall Tithes are
tithes to bee payed of such
wealth as come by the la-
bor and industrie of mans
person, as by buying, sel-
ling, gaires of merchan-
dise, and of handycraftes
men, labourers, and such
as worke for hire, as Car-
penters, Masons, & such
like.

Mixt tythes are tythes
of calves, lambs, pigs, and
such like, that increase
partly of the ground that
they be fed vpon, and partly
of the keeping, industrie, &
diligence of the owner.

que encrease, queux pur
le plus part preign al mi-
nistres delglise pur leur
maintenâce & ils sont de-
uides en iij. sortes, noisment
prediall dismes, personel dis-
mes, & mixt dismes. Pre-
diall dismes sont dismes,
que sont paid de choses
queux viēt de le tre sole-
nt, come blees, sein, fruits
del arbors & tiels seblabl.

Parsonell dismes sont
dismes q sōt paies de tiels
plus que veign p le labor
& industry del person dū
home, come per emption
& vendition, gain de mer-
chandize, & de manuel
craftes homes, laborers, &
tiels que labor pur salaty,
come Carpenters, Masons,
& tiels semblables.

Mixt dismes sont les dis-
mes de vitels, agnes, por-
celes & tiels semb, que en-
crease partint del tre, sur
que ils sōt depastur, & pe-
int del garding, industrie,
& diligence del owner.

167 Disparagement.

Disparagement, is a shame,
disgrace, or villany done
by the Gardeine in Chi-

Disparagement.

Disparagement, En hōte,
disgrace, ou villany
fait p le gardein en Chi-
ualrie

The Exposition of

ualtie, a son garde en chivalrie, effeant deins age p reason de son mariage.

Come quant le gardein marry son ward deins age de xiiij. ans, & deins tiel temps que il ne poir consent al mariage, al vn niece, ou al file dun que demurt en vn borough (que e de se entend tiels que peres pfeille mainerasts & tiels baser arts de emption & venditiõ pur gain lour viner per ceo) ou al vn que ad forsque vn pee, ou vn maine, ou est decrepit, ou deform, ou aiant horrible disease, come le leprosie, les pocks de franks, falling sickenes, ou tiels semblables, ou marrie luy a vn feme que est passe lage de enfant, & diuers tiels autres, donques sur le complaint fait p les amies de tiel heire, le Seignior ou gardein perdera le guardianship & les pfts durant le nonage de le heire pur le hont fait a luy. Vide Littl' lib.2.cap.4.

168 Disseisin.

Disseisin, est quant vn hom ent en ale' terres

ualtie, to his ward in Chivalry, being within age p reason of his marriage.

As when the gardein doeth marrie his ward within age of xiiij. years, and within such time as he cannot consent to marriage, to a bond woman, or to the daughter of one that dwelit in a borough (which is to bee understood, of those fathers proffessing handicrafts, & those baser arts of buying & selling, as one that hath but one foot, or one hand, or is lame, or deformed, or hath some horrible disease, as the leprosie, french pocks, falling sickenesse, or such like, or marrieth him to a woman that is past child bearing, & diuers such other, then upon the complaint made by the friends of such heire, the Lord or gardein shall lose the wardship, and the profits during the nonage of the heire, for the shame done unto him. See Littl' lib.2.cap.4.

Disseisin.

Disseisin, is when a man enters into any land

tenements, subert his curie is not lawful, and outeth him out, that hath the freehold.

ou tenementz, lou son curie n'est pas congeable, & outa celuy que ad le frak-tenement.

169. Disceisin vpon disceisin.

Disceisin vpon disceisin, is when the disseisor is disseised by another.

Disceisin sur disceisin.

Disceisin sur disceisin, est quant le disseisor est disseise per vn autre.

170. Disseisor and disseisee.

Disseisor, is he which outeth a man out of his land without order of the Law. And Disseisee is he that is so put out.

Disseisor & disseisee.

Disseisor est celuy que mist asc' home hors de son terz sans order de ley. Et disseisee est celuy que est issint mis hors.

171. Disceit.

Disceit, is a writ, and it is sometime original, & sometime iudicial, but when it is original, it lieth where a disceit is don to a man by another, so that he hath not sufficiently performed his bargain, or no performance his promise, then hee that is in such maner deceiued shall have this writ.

Also when this writ is iudicial, it lieth where a Scire facias is sued out of the record against a man, and the Defendant returneth

Disceit.

Disceit est vn bre, & est ascun foits original, & ascun foits iudicial, mes quant il est original, gist lous ascun disceit est fait a asc' home p vn aut, issint que il nad sufficientment pform son bargain, ou nient performe son promise, doncques celuy que est en tiel maner disceiue auera cest briefe.

Auxy quant cest briefe est iudicial, il gist ou Scire facias est sue hors de ascun recorde vers vn, & le Vicount retourne que

que il est garnie, ou il ne
sui garnie, ou luy in Pre-
cipe quod reddat de ples
de terre, ou Quare impe-
dit del presentment al es-
glise est sue vers un, & le
vicont retourne que le de-
fendant est summoné, par quel
disceit & faux retourne le
demandant ou plaignif re-
couer, donques le partie
grecue auera cest brieve
vers celoy que recoua, & vers
le vicont, & donques le
brieve sera direct al Co-
roners de mesm le Countie,
si il continue vicont que
fist le retourne.

172 Distresse.

Distresse, est le chose que
est prise & distrain, sur
aucun tre pur rent arriere,
ou pur autre durtie, ou pur
tort fait, comt que le pro-
prie de chose soit per-
teignant al estrange: Mes
si sont aus que perteigne
al estrange, il couient que
ils sont leuant & couchant
sur mesme le terre, cest
adire, que les aus auoient

that he is sworned to be
his was not sworned, in
subeten Principe quod red-
dat of a ple of landes, or
Quare impedit of the pre-
senting to a church is sue
against one, & the Sherrif
retourneth that the defen-
dant is summoned, where
he was not summoned, by
which disceit and false re-
turne the demandant or
plaintife recouereth, then
the partie grieved shall
have his writ against him
that recouered, and against
the summoners, & against
the Sherrif, and then the
writ shall be directed to the
Coroners of the same
countie, if he continue the
returne that made the returne.

Distresse.

Distresse, is the thing
which is taken and dis-
trained upon any land for
rent behind, or other duty,
or for hurt done, although
that the propriety of the
thing belongeth to a stran-
ger: But if they be beasts
that belong to a stranger,
it belongeth that they be
leuant and couchant upon
the same ground, that is to
say, that the beasts have
been

ben vpon the ground cer-
taine space, that they haue
themselves well rested
there, or else they be not
distrainable for rent or ser-
uice.

And if one distraine for
rent, or other thing with-
out cause in lawfull, then the
party grieved shall haue a
Repleuin, and vpon swer-
found to pursue his action,
shall haue the distresse to
him deliuered againe. But
there bee diuers things
which be not distrainable,
viz. another mans goods
in the house of a Tylor,
or cloth in the house of a
Fuller, Sheareman, or
Weauer, for that they be
common Artificers, & that
the common presumption
is, that such things belong
not to the Artificer, but to
other persons which put
them there to be wrought.

Also viand is not distrai-
nable, nor coine in shewes,
if they be in a cart, for
that a distresse ought
to be alway of such things
whereof it therit may make
repleuin, & deliuer againe
in good case as it was at
the time of the taking.

este sur le terre per cer-
taine space que il ont eue
bien repose sur la terre,
ou autrement ils ne sont
distreinable pur rent ou
service.

Et si vn distrein pur rée-
ou auter chose sauns cause
loyall, donques le partie
grecue aua vn Repleuin,
& sur suerty troue de pur-
suer son action, auec le di-
stresse a luy redeliu. Mes
sont diuers choses que ne
sont distreinable, viz. roab
de auter home en le mea-
son de vn Tailor, ou drap-
en le meason de vn Fuller
Sheereman, ou Weauer,
pur ceo que ils sont com-
mon artificers, & que le
comon presumption est, que
tiels choses ne sont per-
teignant al Artificer, mes
al auters persons que euz
mittont la a ouerer.

Auxy viand nest pas di-
streinabl, ne blees en she-
ues, sinon q'ils sont en vn
chriot, pur c' que distres
couient este tous foits de
tiel chose dont le vic' poit
faire repleuin, & redeliue-
rie en auxy bon case que
il suit al temps del prisel.

K

Auxy

The exposition of

Auxy hom̄ poit distraire **A** man may distrain for
pur homage de son tenāt **h**omage & fealty, and also
pur fealitie, & escuage, & **a**ge, & other seruices, and
auf seruices, & pur fines & **f**or fines and amerciamēts
amerciamēts que sōt asselle **w**hich bee asselled in a
en vn Lect, mes nemy en **L**ete, but not in a Court
vn Court baron. Et auxy **b**aron. And also for dam-
pur damage fasant, cest a- **a**ge fasant, that is to say,
dire, quaut il troye les **w**hen he findeth the beasts
beasts ou biens des auters **o**r goods of any other
fasant tort ou incumbrant **i**ng hurt oꝝ incumbring his
son terre. Mes home ne **g**round : But a man may
poit distraire pur ascū rent **n**ot distraine for any rent
ou chose due pur ascun **o**r thing due for any land,
terre, mes sur meisme le t- **b**ut vpon the same land
re que est charge ouesque **t**hat is charged therewith :
ceo : Mes en case lou ieo **B**ut in case where I come
veigne a distraire, & lau- **t**o distraine, and the other
ter veyant mon purpose **s**aying my purpose ches
chase les beasts, ou port **t**he beasts, oꝝ beareth the
le chose dehors, al entent **t**hing out, to the intent
que ieo ne prendra c' pur **t**hat I shall not take
distres sur le terre, don- **f**or a distresse vpon the
ques ieo poy bien pursue, **g**round, then I may for-
& si ieo prise ceo mainte- **p**ursue, & if I take it
nant en le hault chemin, **s**ently in the high way, &
ou en auf foile, le prisel est **i**n another's ground, &
loyal, auxibien la come **t**aking is lawfull, as well
sur la terre charge, a que- **t**here, as vpon the land
cunque la propertie des **c**harged, to whom be-
biens sont. **t**he propertie of the goods
bee.

Auxy pur fines & amer- **A**lso for fines & amer-
ciamēts que sont asselle en **a**ments which be asselled
vn Lect, vn poit tous soits **i**n a Lete, one may also
funder les biens celuy que **t**ake the goods of him

is so amerced, in whole est issint amercee, en que-
gross soener they be with- cunque soile que ils sont
in the iurisdiction of the deins le iurisdiction del
Court, as it is said. court, vt dicitur.

And when one hath ta- Et quant vn ad prise vn
ken a distresse, it bchooneth distresse, il couient a luy
him to bring it to the com- de amesner ceo al commo
mon pound, or else he may pound, ou autrement il poit
ken it in an open place, so gard en ouert lieu, issint
that hee giue notice to the que il done notice al par-
party, that he (if the distres tie, que il (si le distres
be a quick beast) may giue soit viue auers.) poit do-
tall word, and then if the ner a luy viande, & don-
beast die for default of food, ques si le auers morust
that was distrained pur default de viand, ce-
shibe at the losse, and then luy que fuit distrain serra
the other may distraine a le parde, & donques lau-
againe for the same rent ter poit distraine auter-
or ducie. But if hee car- foits pur mesme le rent
ry the distres to a hold, or ou ducie. Mes sil amesna
out of the Countie, that le distresse a vn forset, ou
the Sherife may not make hors del Countie, que le vi-
deliuerance vpon the Re- cont ne poit bien faire de-
pleuin, then the party vpon liuance sur repleuin don-
the returne of the Sherif, ques le party sur le retorn
shall haue a writ of Wi- del Vicont. aia vn brieve
thernam directed to the de Withernam direct al
Sherife, that he take as Vicont, que il prendra tant
many of his beastes, or as de ses auers, ou tant des
much goods of the other in biens l'auter en son garde,
as heeping, till hee hath tanq; il ad fait deliuerance
made deliuerance of the de le primer distres. Auxy
distresse. And also if si sont en vn forset ou Ca-
he be in a forset or Ca- stel, le Vicount poit pro-
the Sherife may take de oue luy le power del
him the power of the

The exposition of

Countie, & abat le castel. Come appiert p lestatute West. 1. cap. 17. Ideo vide Statutum.

173 Diuorce.

Diuorce issint appell de Diuortium, venies del verbe Diato, que signifie de retourner arere, cest est vie en ley quant vn home est leperate de sa feme, il luy retourne arere a sa pere, ou a ses amies, ou al lieu del que il luy ad, & p tiel diuorce le mariage est de- feate & destruy.

174 Donor & Donee.

Donor est celuy q done terres ou tenements al autre en taile, & celuy a que il est done est appell Donee.

175 Double plee.

Double plee, est luy le defendant ou renaunt en aucun action plede vn plee, en que deux matiers sont comprehendus, & chescun per luy meisme est vn suffisent barre ou re- pons al action, donques tiel double plee ne sera ad- mit p plee, sinon que vn

Countie, & beat doctore the castle. As it appeareth by the statute West. 1. cap. 17. therefore looke the statute.

Diuorce.

Diuorce, so called of Diuortium, comming of the verbe Diuerto, which signifieth to returne backe, it is bled in the lawe when a mā is diuorced from his wife, he turneth her backe home to her father or other friends, or to the place from whence he had her, by such diuorce the marriage is defeated & vndone.

Donor and Donee.

Donor, is hee which giveth lands & tenements to another in taile, and to whom the same is giuen is called Donee.

Double plee.

Double plee, is when the defendant or renaunt in any action pleadeth two matiers which the plaintiff is bound to answer, & either is one by himselfe or sufficient barre or answer to the action, then such double ple shall not be admitted for a ple, except

depend

depend upon another, and in such case if hee may not have the last plee without the first plee, then such a double plee shal be wel sustained.

depéd sur l'autre & in tiel cas si il ne poit aver le darreyne plee sans le primer plee, donques tiel double plee sera bien suffer.

176

Dower

Dower.

Dower, by the law of the Realme, is a portion which a widow hath of the lands of her husband, which by the common law is the third part, and by her husband's assignement by his father's assent at the church-dore, she may have somuch of his father's lands, as is assigned, also of his husband's assignement of part of his owne land. And doctour by the custome of some places, is to have halfe the husband's lands. And also Dower is a writ, and it hath where a man is sole seised during the coverture between him and his wife, of lands or tenements in fee simple, or fee tail where by possibilitie the wife betweene them may inherit, if such a man die, the wife shall recover the

Dower, per le ley del Realm, est portio quel feme ad del terres le baron quel per commo ley, est le tierce part, & per assignement del baron p assent son pere al huis del esglise, & poit aver tant del terre son pere come est assignee, & ilint del assignement son baron de part son terre demesne. Et Dower per custome de aucun lieux est daver le moity del terre le baron. Et auxy Dower est un brief, & gift lou home est sole seise durant le couverture perenter luy & la feme, de terres ou tenements en fee simple, ou fee taile, luy per possibilitie le issue enter eux poient inheriter, si uel home devie. la feme recouvera la

K 3

tierce

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tierce pr' de tous les terres dont le baron fuit sole seisie aucun temps durant le couerture per brieve de Dower vnde nihil habet mesq; il ne morust seisie & mesq; il ad fait alienation de ceo en sa vie.

Mes si home deuant le Statute de Vses 27. H. 8. ad terres, & queux aut home, ou auters homes fueront seisies a s' oeps tous foits durant le couerture, & cest a que oeps ils fueront seisies deuie deuant le dit Statute, sa feme ne serroit endow.

Et auxy si deuant le dit Statute deux homes sont seisies de terre al oeps de vn de eux & cest a q' oeps &c. deuuy deuant le dit Statute sa fem ne serra indowe. Auxy si feme port bre de Dower, el reconera damages, pur le profit incurrus aps le mort le baron sil morust de ceo seisie, mes si aucun alienatiō ou estate soit fait durant le couerture, insint que le baron ne morust seisie, donques mesque el reconera

third part of all the lands wherof the husband was sole seised any time during the conerture by a writ of Dower vnde nihil habet, though hee died not seised, and though that hee made alienation thereof in his life.

But if a man befoze the Statute of Vses 27. Hen. 8. had lands, in the which another man, or other men were seised to his life or waies during the conerture, and hee to whole he they were seised dieth befoze s' said Statute, his wife shal not be indowed.

And also if befoze the said Statute two men be seised of lands to the life of one of them, & he to whole life or dieth befoze the said Statute, his wife shal not be indowed. Also if a woman bring a writ of Dower, she shal reconer damages, for s' profit run after s' death of her husband, if hee dyeth therof seised, but if any alienation or estate were made during the conerture, so that the husband dyed not seised, then though shee shal reconer

the land, yet shee shall re-
couer no damages. Also
there is another writ of
Dower, called a writ of
Right of Dower, and it
lieth where a woman hath
recovered part of her do-
wer in one town, and the o-
ther part she is to recover.
Also in diuers cases a wo-
man shall not haue dower,
as if the husband commit
Treason, for the which he
is attainted, then his wife
shall haue no dower. Also
if shee goe away from her
husband with another mā
in adultery, and if she be
not reconciled to her hus-
band of his owne will
without coercion of the
Church, shee shall not bee
dowered. See Littlef lib. 1.
cap. 4.

And so note, where in
the Civill laws, Dower is
that which the husband
hath with his wife for the
marriage, to maintaine the
married estate, by 3 lawes
of the Realme, by the word
(Dower) is meant such
portion as the wife after
her husbands death shall
come to line on.

la terre, vncōfel ne reco-
uera damages. Auxy il
est vn aut brieve de Dower,
appel brieve de droit de
dower, & gist lou feme ad
recouer parte de sa dower
en mesme la ville, & auter
parte el est a recoū. Auxy
en diūs cases feme n'au-
ra dower, sicome le dower
fait treason, pur que il est
attaint, donq; sa feme na-
uera Dower. Auxy si el
elopa de son baron ouef-
que vn auter home in ad-
ultery, & si el ne soit re-
concile per son baren de
son bone volunt sauns co-
hercion del Eglise, el ne
serra endowe. Vide Lit-
telton lib 1. ca. 4. Et issint
nota que lou per Civil ley
Dower est ceo, que le ba-
ron eyt oue sa feme pur le
mariage, de maintenir
leur ioyned estate, per les
leyes del Relme, per le
parol (Dower) est in-
tende, le porcion, que le
feme, puis le mort del
baron, auera pur sa vi-
uer.

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177 Droit.

Droit ē lou vn ad chose que fuit tolle de aurer p torte, come p disseisin, discontinuance, ou eiection, ou tiels semblables, & le challenge ou claime que il ad que auoit le chose, est terme droit.

178 Droit dentre.

Droit dentre, est quant vn seise de terre en fee, est de ceo disseisi: Ore le disseisee ad droit dentre en le terre, & poer quant il voile, ou il poer auer brieve de droit enuers le disseisor.

179 Dum non fuit compos mentis.

Dum non fuit compos mentis, est vn brieve & gift lou home que est hors de son bone memory, cest adire, insane ou lunatique alien les fres que il ad in fee simple, & deuie, donques son heire aps son decease auera cest brieve, mes il messin nauera cest brieve, pur c' que hōe, ne serf resceiua disabler luy mesme: Auxy cest brieve puit este fait en le Per, Cui, & Post.

Right.

Right, is where one hath a thing that was taken from another wrongfully, as by disseisin, discontinuance, or putting out, or such like, and the challenge or claim that he hath, who should have the thing, as called Right.

Right of Entry.

Right of Entry, is when one seised of land in fee, is thereof disseised: Now the disseisee hath right to enter into the land, & may so doe when he will, or else hee may haue a writ of right against the disseisor.

Dum non fuit compos mentis.

Dum non fuit compos mentis, is a writ, and is lyeth when a man that is out of his wit, that is to say, mad or lunatique alieneth the land that he hath in fee simple, & dyeth, then his heire after his decease shall haue this writ, so that that a man shall not be receined to disable himselfe. Also this writ may be made in the Per, Cui, and Post,

180 Dum

126 Dum fuit infra
etatem.

DYm fuit infra etatem, is a writ, and it lyeth where an Infant with-
in age alieneth his lande which hee hath in fee sim-
ple, or for term of life, when he cometh to his full age hee shall haue this writ, or he may enter if he will, but it behooueth that he be of full age the day of his writ brought. Also if an infant alien his land, & die, his issue at his full age shall haue this writ, or he may enter, but the issue shall not haue this writ within his age.

181 Dures.

DVres, is where one is kept in prison, or restrained from his libertie contrarie to the order of the Law, or threatened or menaced to be killed, maimed, or greatly beaten, & if such person so in prison, or in feare of such threatenings, make any specialtie or obligation, by reason of such imprisonment, such a deed is hold in the law, and in an action brought vpon such an especialtie he may say that it was made by

Dum fuit infra
etatem.

DYm fuit infra etatem, est vn briefe, & gift lou-
Enfant deins age alien sa-
terre que il ad en fee sim-
ple, ou pur terme de vie,
quant il vient a son pleine
age il auera cest briefe, ou
il puit enter sil voile, mes
il couient q il soit de plein
age, iour de son brief pur-
chase. Auxy si enfant alien
sa terre, & deuie, son issue
a son plein age auera cest
briefe, ou puit enter, mes
le issue nauera cest briefe
deins son age.

Dures.

DVres, est lou vn home
est garde en prison, ou
restraine de son libertie
contrarie al order de ley,
ou menasse destre occide,
maiheme, ou graundment
batue, & si tiel pson issint
en prison, ou pauour pur
tiel manasse, fait aucun
especialtie ou obligation,
per reason de tiel emprison-
nement, tiel fait est voide
en le ley, & en action
port sur tiel especialtie
puit dire que il fuit fait p
dures

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dures de son imprisonment, mes si home soit arrest sur aucun action al suit vn autre, mesque le cause del action ne soit bone ne voir, si fait aucun obligation a vn estrange estant en prison per tiel arrest, vncore il ne sera dit per dures: mes si fait obligatiō a luy a que suit il suit arrest de se discharge de tiel imprisonment, donques il sera dit dures, vt dicitur.

Dures of imprisonment, but if a man bee arrested upon an action at the suite of another, though the cause of the action bee not good nor true, if he make an obligation to a stranger being in prison by such arrest, yet it shall not be said by dures: But if he make an Obligation to him whose suit hee was arrested to bee discharged of such imprisonment, then it shal be said Dures, as it is said.

E

E

181. Electione firme.

Electione firme, vide de ceo en le title, Quare eiecit infra terminum.

182. Electione de garde.

Electione de garde, vide de ceo en le title Gardes.

184. Eire Iustices.

Eire Iustices, ou Itinerant, come nous appelle eux fueront Iustices que vse de equitare de lieu al lieu per tout le Realm pur administrer iustice.

185. Elegit.

Tener per Elegit, est lou home ad reco-

Electione firme.

Electione firme, looke for that in the title Quare eiecit infra terminum.

Electione de garde.

Electione de garde, looke for that in the title of Gardes.

Eire Iustices.

Eire Iustices, or Itinerant, as wee call them, were Iustices that vse to ride from place to place throughout the Realm to administer iustice.

Elegit.

To holde by Elegit, is where a man hath recovered

uered debt or damage by a writ againt an other by confession, or in other manner, hee shall haue within the yeere against him a writ iudiciall called Elegit to haue execution of the half of all his lands and chattels (except Oxen and beastes of the plough) till the debt and damages be wholly leuied and payed to him, and during the terme he is tenant by Elegit.

And note well, that if he be put out within the terme, he shall haue Assise of Nouel disseisin, and after a Redisseisin if need be, and this is giuen by the Statute of Westmynster 2. cap. 18.

And also by the equity of the same Statute, hee that hath his estate, if he be put out shall haue Assise & Redisseisin if need be. And also if he make his executors & die, and his executors enter and after be put out, they shall haue by the equity of the same Statute, such action as hee himselfe besoged. And if he be put out, and after make his executors and die, his executors

per det ou damage p bre deuers vn auter per conu- sanee ou en aut maner, il auera deins le an deus luy vn bf iudicial noisme Elegit dafi execution de moi- ty de tous ses frs & chat- tels (except beofs & auers al a carues) ranque le det ou les damages loient ou- sterment leues ou paies a luy, & durant cest terme il est tenant per Elegit.

Et nota sil soit ouste de- ins le terme il auera Assise de Nouel disseisin, & apres vn redisseisin si besoigne soit, & cest don per le esta- tute de Westmynster 2. cap. 18.

Et auxy per le equity de mesme le Statute celuy q ad son estate, sil soit ouste auera Assise & Redisseisin si besoygne soyt. Et auxy sil face ses executours & deuy, & ses executours entrent & puysoient ou- stes, ils aueront p lequintie de mesme le Statute uel ac- tion come luy mesme suif- dir. Mes sil soyt ouste, & puis faire ses execu- tors & deuy, ses executours

pur-

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purront enter & ils soient
estops de leur entre ils a-
ueront vn brieve de tres-
pas sur leur matter &
cafe.

may enter, and if they be
stopped of their entry, they
shall have a writ of Tres-
pas upon their matter &
case.

Et nota sil face waste en
tout la terre ou en parcel,
l'auter auera enuers luy
maintenant vn brieve ju-
dicial hors de la primer
recorde appel Venire fa-
cias ad computandum,
per force de quel serra in-
quise sil ad leuy tous les
deniers ou parcel, & si
nad leuy les deniers, don-
ques serra inquiree a quant
le waste amount, & si le
waste amount sion a par-
cel donques rants des de-
niers que le waste amount
serra abridge & les suiddits
deniers queux sueront est-
leues. Mes sil ad faite
pluis waste que le auant-
dit somme de argent que
fuit a estre leuy amount,
l'aut serra discharge main-
tenant de tous les deni-
ers suiddits & recouera sa
terre. Et pur la super-
fluitie de waste fait ou-
ster ceo que auount a le
dit somme, il recouera les

And note well if he doe
waste in all the land or par-
cell, the other shall haue a
gainst him immediately a
writ indicial out of the first
record called Venire facias
ad Computandum, by which
it shall bee inquired if hee
haue leuied all the money
or parcel, and if hee haue
not leuied the money, then
it shall be inquired to how
much the waste amounteth,
and if the waste amount
but to parcel, then as
much of the money as the
waste amounteth vnto, shall
be abridged of the foresaid
money which was to be le-
uied. But if he haue done
more waste then the fore-
said summe of money which
was to be leuied amount-
eth, the other shall be dis-
charged by and by of all
the saide money, and shall
reconget the land. And
for the superfluitie of the
waste made aboue that
that amounteth to the said
summe he shall recover his

dam.

damages single, and the same law is of his executors, and also of him that hath his estate.

And note, that if hee alien in fee for terme of life, or in taile, all or parcell of the land, which he holdeth by Elegit, if the alienation be made within the terme or after, hee which hath right, shall have against him an Assise of Nouel disseisin, And they both must be put in the assise, the alienor, and the alienee, and notwithstanding that the alienor die presently, yet hee which hath right shall have Assise against the alienor alone, as if the alienor had bin a plaine tenant for terme of years, and that is by the equite of the Statute of West. 2. cap. 15. for that that hee hath not but a chattell in effect: and the same law is of his executors, and of him which hath his estate, as afore- said.

And note well that in Elegit if the heire return that he hath nothing of his of the Recognitions made, but hee purchased lands

damages single, & meisme le ley est de les executors & auxy de cestuy que ad son estate.

Et nota, si alien en fee, ou a terme de vie, ou en taile, tout le terre ou parcell de la terre, que il tient per Elegit, si le alienation soit fait deins le terme ou apres, cestuy que ad droit auer vers luy un Assise de Nouel disseisin. Et comment que ils soient mis en assise ambideux, auxibien le alienor come le alienee, & non obstant que lalienor deune maintenant, vitcore cestuy que ad droit auer vers le alienee soit Assise, come si vit entre son simple tenant a terme de ans. Et ceo est p la equite del nature de West. 2. cap. 15. pur ceo que il n'ad sinó chattell en effect, & meisme le ley est de les executors, & de cestuy que ad son estate, ceo est suildit.

Et nota que in Elegit si le Vicount returne que il auoit ryens four de la Recognissance faite mes que il purchaie terre puis

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puis le temps, adonques le partie plaignife auera nouel brieft de auer execution de ceo : meisme le ley est de vn estatue merchant.

Et nota que apz le Fieri facias vn home poit auer le Elegit, mes non contra, enraunt que le Elegit est de plus haut nature que le Fieri facias. Et nota que si home recouer per brieft de det & sue vn Fieri facias, & le vicount retourne que le defendaut nad ryens dont il poit faire gree a la partie, donques le plaignife auera vn Elegit, ou vn Capias sicut alias, & Pluries. Et si vicount retourne a le Capias mitto vobis corpus, & il nad rians dount il poit faire gree al partie, il sera maund al gayle del Fleet, & illoques demurra tantq il ad fait gree al party, & si le vicount retourne, Non est inuentus, adonques il sera Lexigent enuers luy. Et nota que en brieft de dette port deuers parson de Saint Eglise, que nad

after the time, then the party plaignife shall haue a new writ to haue execution therof: the same law is of a Statute merchant.

And note well, that after a Fieri facias a man may haue the Elegit, but not contrariwise, for that the Elegit is of more higher nature then the Fieri fac.

And note well, that if a man recouer by a writ of debt, & sueth a Fieri facias, & the Sheriffe returne that the defendaut hath nothing whereof he may satisfie the debt to the partie, then the plaignif shall haue Elegit or Capias sicut alias, & Pluries. And if the Sheriffe returne to the Capias, Mitto vobis corpus, & he haue nothing whereof he may make satisfaction to the partie, he shall be sent to the prison of the Fleet, and there shall abide vntill hee haue made agreement with the party, and if the Sheriffe returne, Non est inuentus, then there shall go forth an Exigent against him. And note well & in a writ of debt brought against a Parson of half Church, which hath no

thing

thing of lay fee, and the rien de lay fee, & le Vicōe
Sherife returneth that he retourne que il nad riens
by nought by which he perque il poir estre sum-
may be summoned, then mone, a donques le plain-
shall the plaintife sue a tise suera brieſe al Eueiq;
ſoit to the Biſhop, that que il face vener ſō clerk,
he make his Clerke to & Leueſque luy ferra ve-
come, and the Biſhop ſhall ner per ſequeſtration del
make him to come by ſe: eſgliſe.

And note well, that if a Et nota bene, q ſi home
man bring a writ of Debt, port brieſe de det & reco-
and recover, and make his uer, & face ſes executōſ &
executoꝝ, and death, they denie, ils naueront execu-
ſhall not haue execution, tion, non obſtant que il
withſtanding that it ſoit deins lan per un Fieri
be within the yeare by a facias. Fieri facias.

116 Elopement.

Elopement, is when a
married woman depart-
eth from her husband
with an adulterer, & ſwel-
led with the adulterer
without voluntary re-
conciliation to her husband,
by that ſhee ſhall loſe her
Dowry by the Statute of
1. cap. 34. whereupon
a writ hath bene made in
this manner:

That that her husband
knowen, & liueth in adultery,
and is not freely reconciled,
ſhall loſe her Dowry.

Elopement.

Elopement, eſt quando
feme, eſpoſiſe departa
de ſon baron ou en adul-
terer, & oue le adulter de-
moura ſans voluntary re-
concilement a ſa baſon, p
ceſ el perdra ſa Dowry
per le ſtatut ne Weſtmin-
ſter a. cap. 34. Sur que un
verſe ad eſtre fait en cal
maner,

Sponde virum mulier
fugiens & adultera facta,

Note ſus carcat, aſiſ
ſponde ſponſo retrahat.

The Exposition of

187 Embrasour ou Em-
braceour.

EMbrasour ou Embrace-
our, est celuy que quāt
vn matter est vn trial per-
onees party & party, vient
al barf, oue vn del parties
(ayāt resceine asc' reward
pur issint faire) & parle en
le case, ou priuermt labor
de lurie, ou stat la pur sur-
ueier ou suruiew eux per
cest meane de mīte eux en
pauour & doute de l'ar-
rest. Mes homes que sont
erudie en ley, poient par-
le en le cas pur leur cli-
ents.

Embrasour, or Em-
braceour.

EMbrasour, or Embrace-
our, is hee that when
matter is in trial betwix
party & party, cometh to
the barre with one of the
parties (having receiued
some reward so to doe) and
speaketh in the case, or pri-
uily labourerth the Jurie,
or standeth there to stirre
or ouerthrowe them, thereby
to put them in feare and
doubt of the iudgement. But
men that are learned in the
law, may speake in the case
for their Clients.

188 Encroachment.

Encroachment, est dit
lorsque le Seignior ad
happes seisin de plus rent
ou seruices de son tenant
que de droit est due ou
doiceste pay ou fait a luy.
Comme si le tenant tiens sa
terre de son Seignior per
fealty & ij. s. rent annuel-
le, & ore de tardis rent
le seignior ad happes seisin
de iij. s. rē, ou de homage
ou escuage, ou tiels sem-
blables. Donques cest ap-
pel vn Encroachment de
cest rent ou seruice.

Encroachment.

Encroachment, is said
when the Lord hath
gotten seisin of more rent
or seruices of his tenant
then of right is due, or
ought to be payed or done
vnto him: As if the ten-
ant hold his land of his
Lord by fealty, and of ij.
rent yearly, and now at
late time he hath got seisin
of iij. s. rent, or of homage,
or escuage, or such like.
Then this is called an
Encroachment of that rent
or seruice.

189 En-

189 **Enheritance.**

ENheritance, is such estate in landes or tenements, or other things, as may bee inherited by the heire, whether it be in estate for fee simple, or taile, by descent from any of his auncestors, or by his owne purchase.

And inheritance is diuided into two sorts: that is to say, inheritance corporate, and inheritance incorporeate.

Inheritance corporate are messuages, landes, meadows, pastures, rents, & such like, that haue substance in themselves, and may continue alwayes: and these are called corporall things.

Inheritance incorporeate are aduowsons, villaines, waies, commons, courts, fishings, and such like, that are, or may bee appendant or appurtenant to inheritances incorporeate.

190 **Entre.**

ENtre, is where a man entred into any landes or tenements in his proper person, or any other by his commandement,

Enheritance.

ENheritance est tiel estate en terres ou tenements, ou auters choses, que poyent estre enherit par le heire, soit ceo de estate en fee simple, ou taile, per descent de aucun de ses aincestors, ou pson purchase demesne.

Et enheritance e diuide en deux sorts: cest acauoir enheritance corporate, & enheritance incorporeate.

Enheritance corporate sont mesuages, fres, prees, pastures, réts, & tiels semblables, q ont substance e eux ms, & poient continuer tout téps: & ceux sont appel choses corporal.

Enheritance incorporat sont aduowsons, villains, waies, commons, courts, piscaries, & tiels semblables q sont, ou poient estre appendant ou appurtenant a inheritance incorporat.

Entre.

ENtre, est lou un home entra en ascun terres ou tenements en son proper person, ou ascun aut, per son commandement.

L

Auxy

The exposition of

Auxy sont diuers briefs de entre queux sont en diuers maners. Vn est bfe de Entre sur disseisin, & cest briefe gist lou home est disseisfe, il ou son heire lauandit briefe aua vers mesme le disseisor, ou alcu auter apres tenat del terre. Et si le disseisor alien ou deuie seisie, donques le briefe de Entre serra vers le heire ouclq; le alienee en le Per, cest adire, en que le tenaunt non habet ingressum nisi p tiel, nosmant le disseisor, que luy auoit disseisfe &c.

Et si le heire ou alienee deuie seisie, ou aliena al auter, donques le briefe serra en le Per & Cui, cest adire, en que le tenaunt non habet ingressum nisi per tiel, nosmant le heire ou le alienee del disseisor, Cui tiel (nosmant le disseisor) il dimist, que luy per tort disseisfe &c.

Et si terre soit conuey ouster al plusours, ou si le primer disseisor soit disseisfe, donqs le bfe de Entre serra en le Post, cest adire,

Also there bee diuers writs of Entre which be in diuers maners. One is a writ of Entre sur disseisin, and this writ lyeth where a man is disseised, hee or his heyre shall haue this writ against the disseisor, or any other after tenant of the land. And if the disseisor alien and die seised, then the writ of Entre shall be against the heire with the alienee in the Per, that is to say, in which the tenant hath no entrie but by such a one, naming the disseisor, which him hath disseised.

And if the heire or alienee die seised, or aliened to another, then the writ shalbe in the Per and Cui, that is to say, into which the tenaunt hath no entrie but by such a one, naming the heire or alienee of the disseisor, to whom such a one (naming the disseisor) did let it, which by force disseised him, &c.

And if land be conueied ouer to many, or if the first disseisor bee disseised, then the writ of Entre shall be in the Post, that is to say,

that
entre
sur
disseisin,
made
by a
heire
or
alienee

191

A writ
Per
is disseised
and
with
heire
seised
have
heire
against
disseisor
file if he
Entre
non ha
per B. q
qui inde
fuit, &c.
for alien
seised, &
another
do, & h
that he
ch, and
then the
heire
Entre sur

that the tenant hath no que le tenant non habet
entrie but after the dissei- ingressum nisi post dissei-
sin, which the first disseisor sinam, quel le prim dissei-
made to the demandant or sor fait al demandant ou
his ancestor. Soe after son ancestor. Vide apres
Entre en le Per. Entre en le Per.

191 Entre in the Per,
Cui, & Post.

Entre en le Per, Cui,
& Post.

A writ of Entre in the
Per, lyeth where a man
is disseised of his freehold
and the Disseisor alle-
neth or dieth seised, and his
heire entreth, then the dis-
seisor or his heire shall
have a writ agaynst the
heire of the disseisor, or a-
gainst the alienee of the
disseisor, but living the dis-
seisor he may have an Af-
fise if he will, & the writ of
Entre shall say, in quod A.
non habet ingressum nisi
per B. qui illud ei dimisit,
qui inde eum iniuste dissei-
sivit, &c. But if the dissei-
sor alien, & the alienee dieth
seised, or alieneth over to
another, or if the disseisor
die, & his heire enter, and
that heire alieneth or dy-
eth, and his heire entreth,
then the disseisor or his
heire shall have a writ of
Entre sur disseisin in the

Briefe de Entr en le Per
gist lou hom est disseise
de son franktenement, &
le disseisor alien ou deuei
seisie, & son heire entra,
doques le disseisee ou son
heire auera le dit briefe
vers le heire le disseisor,
ou vers le alienee le dis-
seisor, mes viuant le dissei-
sor il poit auer Affise si il
voile, & le briefe de Entre
dirra, in quod A. non ha-
bet ingressum nisi per B.
qui illud ei dimisit, qui in-
de eum iniuste disseisuit,
&c. Mes si le disseisor ali-
en, & le alienee deuy sei-
sie, ou alié ouster a vn aut
ou si le disseisor deuei, &
son heir entr, & celuy heir
aliena ou deuei, & sō heir
entra, donques le disseisee
ou son heire auera briefe
de entre sur disseisin en le
per

The exposition of

Per & Cui. Et le brief dira, in quod idem A. nō habet ingressum nisi p B. cui C. illud ei dimisit, qui inde iniuste &c.

Et nota bien, que nul brief de entre en le Per & Cui, serra mainteinable vers nulluy, mes lou il que est tenaunt soit eins per purchase ou per discent: Mes si le alienation ou discent soit deuenus hors des degres, sur quel nul brieve poet estī fait en le Per, ne en le Per & Cui, donques serra fait en le Post, & le brieve dira, en quod A. non habet ingressum nisi post disseisinam, quā B. inde iniuste & sine iudicio fecit prēf. N. vel M. proauo N. cuius hēres ipse est.

Auxy sont 5. choses que mittont la brieve de Entry hors des degres cest adire, Entrusion, Succession, disseisin sur disseisin, iudgement, ou Escheat.

1 Entrusion est qnt le disseisor deuie seise, & vn estrange abata.

2 Disseisin sur disseisin, est qnt le disseisor est disseise per vn auter.

Per, and Cui. And the brief shall say, in quod idem A. non habet ingressum nisi p B. cui C. illud ei dimisit, qui inde iniuste &c.

And note well, that writ of Entre in the Per and Cui, shall bee mainteinable against none, but where hee that is tenanted be in by purchase or discent: but if the alienation or discent be put out of the degrees, vpon which writ may bee made in the Per, nor in the Per & Cui, then it shall be made in the Post, and the writ shall say, in quod A. non habet ingressum nisi post disseisinam, quam B. inde iniuste & sine iudicio fecit prēf. N. vel M. proauo N. cuius hēres ipse est.

Also there are 5. things which put the writ of Entre out of the degrees, that is to say, Entrusion, Succession, disseisin vpon disseisin, Iudgement & escheat.

1 Entrusion is when the disseisor dyeth seised, and an stranger abateth.

2 Disseisin vpon disseisin, is when the Disseisor is disseised by another.

3 And

3 Succession, is when the Disseisor is a man of Religion, and dyeth, or is deposed, and his successor entreteth.

4 Judgement is when one recovereth against the disseisor.

5 Escheat, is when the Disseisor dyeth without heire, or doth felony where by hee is attainted, by which the Lord entreteth as in his Escheat.

In all those cases the disseisee or his heire shall not have a writ of Entry within the degrees in the Per, but in the Post, so that, that in those sayd cases, they are not in by descent, nor by purchase.

192 Entre ad communem legem.

Also there is a writ of Entre ad communem legem, and lyeth where tenant for terme of life, tenant for terme of anothers life, tenant by the curtesie, tenant in Dowry aliened, and dyeth, then hee in the reversion shall have the sayd writ against the alienor is in after in the sayd tenement.

3 Succession, est lou le Disseisor est vn hōc de religion & deuie, ou est depose, & son successeur entreteth.

4 Judgement est quā vn recouer vers le disseisor.

5 Escheat, est quant le disseisor deuie sans heire, ou fait felonie, per que il est attaint, per que le seignior entra come en son Escheat.

En rours ceux cases le disseisee ou son heire nauerā brief de Entry deins les degrees en le Per, mes en le Post, pur ceo que en ceux dits cases ils ne sont eins per descent ne p purchase.

Entre ad communem legem.

Avy il y ad vn brief del entre ad communem legem, & gist lou renaunt a terme de vie, tenant a terme dauter vie, tenant per le curtesie, lou tenant en dowry alien & deuie, donques celuy in le reversion auera le auantdit bre deuers queuncq; que soit eins apres in les dits tenements.

The Exposition of

193 Entre in casu
prouiso.

AVxy briefe de entre in casu prouiso gift, si tenant é dower alien en fee ou pur term de vie, ou pur auter vie, viuant le tenant en dower, celuy in le reuersion auera le briefe appel briefe de Entre in casu prouiso, & ceo est puruiew per le statute de Gloucester cap.7.

Entre in the case pro-
vided.

Also a writ of Entre in casu prouiso lyeth, if tenant in dower alien in fee or for terme of life, or by anothers life, lyming the tenant in dower, hee in the reuersion shall haue the writ called a writ of Entre in casu prouiso, and this is provided by the statute of Gloucester ca.7.

194 Entre in casu con-
simili.

AVxy briefe de Entrie in casu consimili gift si tenant pur terme de vie, ou tenant per la curtesie aliē en fee, viuant eux celuy in le reuersion auera vn briefe appel briefe de entre in consimili casu, & ceo est per le statute de Westm 2.ca.24.

Entre in casu con-
simili.

Also a writ of Entrie in casu consimili lyeth, if tenant for terme of life, or tenant by the curtesie alien in fee, lyming them hem the reuersion shall haue a writ, called a writ of Entrie in casu consimili, and this is by the statute of Westm.2.ca.24.

195 Entre ad terminum
qui preterijt.

AVxy briefe de Entre ad terminum qui preterijt gift, si vn home lessa terres a vn auter pur terme dans & le tenaunt tient ouster son terme, donques le lessour auera briefe que est

Entre ad terminum
qui preterijt.

Also a writ of Entris Ad terminum qui preterijt lyeth, if a man lease land to another for terme of yeares, & he tenat hold ouste his terme, then the lessor shall haue a writ which is called

called a writ of Entre ad terminum qui præterijt. appel bñe de Entre ad terminum qui præterijt.

And also if lands be leased to a man for terme of anothers life, and hee for whole life the landes are leased byeth, and the lessee holds ouer, then the lessor shall haue this writ. Et auxy si terres sont leſſes a vn home pur terme daut vie, & cestuy pur que vie, les terres sont leſſes deuie, & le leſſee tient ouſter, dōques le lessor auer cest brieſe.

185 Entre without assent of the Chapter.

Entre sine assensu Capituli.

Also a writ of Entre sine assensu Capituli, is wher an Abbot, Prior, or such as hath Countenent of common seale, alieneth lands or tenements of the right of his Church, without the assent of the Couent or Chapter, and byeth, then the successor shall haue this writ. A Vxy bñe de Entre sine assensu Capituli, gift lou vn Abbe, Prior, ou tiel que ad Couent ou cōmon seale, aliena terres ou tenements del droit de son Eglise, sans le assent del Couent ou Chapf, & deuie, donques son successor auera cest brieſe.

197 Entre for marriage in speech.

Entre causa matrimonij in preloquuti.

Also a writ of Entre causa matrimonij prælocuti, is wher landes or tenements are giuen to a man vpon such a condition, that hee shall take her to his wiſe within a certaine time, and he do not espouse her within the said terme, or espouse another womā, ou espouse a ſeme, ou

The Exposition of

ou luy fait Preister, ou en-
tra en religion, ou luy dis-
able, issint q il ne puit luy
prendre accordant a la dit
conditió: donques la sem
donour & ses heires auera
le dit bfe vers luy ou vers
quecunq; est eins en le dit
fre. Auxy il couient que cē
condition soit fait p le en-
denture, ou autrement cest
brief ne gist: & tous ceux
& aus briefes dentre poi-
ent este fait en le Per, Cui
& Post.

oz make himseffe Priest,
oz enter in Religion, oz
him disable, so that he can
not take her according to
the said condition, then
the donour and his heyres
shall haue the said writ
against him, oz against
whomsoever is in the said
Land. And also it beho-
neth, that this condition
be made by Indenture, or
otherwise this writ doth
not lie: and all these o-
ther writs of Entre may be
made in p Per, Cui, & Post.

198 Entrusion.

Entrusion.

ENtrusion, est vn briefe,
& gist lou tenaunt a
terme de vie, deuie seisse
de certaine terres ou te-
nements, & vn estrange
entra, celuy en la reuision
auera le dit briefe vers la-
bator, ou vers quecunque
que soit eins aps lour en-
trusion.

ENtrusion, is a writ, and
it lyeth where a tenaunt
for terme of life dyeth let-
ted of certaine lands or te-
nements, and a stranger
entreteth, he in the reuerſion
shall haue the said writ a-
gainst h abator, oz against
whomsoever that is in o-
ter their intrusion.

Auxy vn briefe de en-
trusion serra maintainable
p le successeur dun Abbe
vers labat que entre ē asc'
terres ou tenemts tempo-
re vacationis que appēt a

Also a writ of Entrusion
shall be maintainable by the
successour of an Abbot a-
gainst the abatour which
shall enter in the landes or
tenements in the time of
vacation that belongeth to
the

the Church by the statute la Esglise p statute Marly of Warlebydge, the last bridge cap.vlrimo. chapter.

199 Equitie.

EQuitie, is in two sortz, differing much the one from the other, and are of contrary effects, for the one doth abridge, diminish, and take fro the letter of Law, the other doth enlarge, amplifie, and adde thereunto.

The first is thus defined, Equitie is the correction of a Law generally made in that part, wherein it faileth, which correction of the generall wordes, is much used in our law. As if for example, when an act of parliament is made, that whosoever doeth such a thing, shalbe a felon, & shall suffer death, yet if a madde man, or an infant of yong yeares that hath no discretion do the same, they shall bee no felons, nor suffer death therefore.

Also if a Statute were made, that all persons that shall receive, or gine meate or drinke, or other succor to any, shall do such a thing, shall be accessarie to his offence, and shall suffer death

Equitie.

EQuitie, est vn deux maners, diuers moult lun del autre, & sont de contrarie effects, car lun abridge, diminish, & tol de letter del ley, le autre enlarge, amplifie, & adde a ceo.

Le primer est issint define, Equitas est correctio legis generatim latz qua parte deficit, le quel correctio del general parols, est moult vse en nostre ley. Sicome par exemple, quant acte de parliamēt est fait, quecunq; que fait tiel acte, serra felon, & serra mise al mort, vncore si home de non sane memorie, ou enfant de tend age que nad discretion le fait, ils ne seront felons, ne mise al morte.

Auxy si estatute soit fait que tous persons que recetteront, ou doneront maunger ou boyer, ou autre chose, aid a cestuy que fait tiel acte, seront accessary a son offence, & seront mise al mort.

fi

The Exposition of

s'ils conuisteront del fait, if they did know of the
 vncore lun fait tiel act, & fact, yet notwithstanding
 veigne a sa pp feme, que one doth such an act, and
 sciant cea luy receiue, & commeth to his wife, who
 done maunger & boyer a knowing thereof both re-
 luy, el ne ferra accessarie, ceue him, and gines him
 nefelon, car en le gene- meate and dzinke, she shall
 raltie de les dits parols del not be accessarie noz felon,
 ley, cesty de non sanc me- for in the generalltie of the
 morie, en le enfant, ne le said woordes of the law, her
 feme fueront enclude en that is mad, noz the infant,
 entent, noz the wife, were not in-
 cluded in meaning.

Et issint equity correct
 le generaltie del ley en
 ceux cases, & les parolx
 generals sont per equitie
 abridge.

And thus equitie doth
 coztrect the generaltie of the
 law in those cases, and the
 generall woordes are by e-
 quitie abridged.

Lauter equitie est defi-
 ned en tiel maner, Equi-
 tas est verborum legis di-
 rectio efficiens, cum vna
 res solummodo legis ca-
 uetur verbis, & omnia alia
 in equali genere, eisdem
 caueantur verbis: & issint
 quant les parols enact vn
 chose, ils enact rours cho-
 ses que sont en sembla-
 bles degrees, sicome le
 Statute que ordeigne que
 en action de dette vers
 executors, cesty que
 vient per distresse respon-
 dera, extenda per equi-
 tie, al administratours,

The other equity is de-
 fined after this sort, Equi-
 tie is when the woordes of
 the law are effectually di-
 rected, and one thing onely
 provided by the woordes of
 the law, to the end that all
 things of the like kind may
 be provided by þ same, & so
 when the woordes enact one
 thing, they enact all other
 things, þ are of like degree,
 as þ stat. which ordaynen
 that in an action of debt
 against executors, he that
 doth appear by distress shall
 answer, both extend by
 equitie to administratours,

for such of them as doeth
appeare first by distresse,
shall answer by equity of
the said act, because they
are of the like kind.

So likewise the statute
of Gloucester gives the action
of waste, & the pain thereof
against him that holdeth
for life or yeeres, and by the
equity of the same, a man
that hath an action of waste
against him that holdeth
but for one yeere, or halfe
yeere, and yet that is with-
out the words of the statute,
for he that holdeth but for
halfe a yeere, or one yeere,
doth not hold for yeeres, but
that is the meaning, & the
words that enact the one
by equity enact the other.

car cesty de eux que vient
primes p distresse respon-
dera per equity del dit act
Quia sunt in equali ge-
nere.

Ilint le statute de Glo-
cester done le action de
Waste, & le punishment de
ceo vers cestuy que tient
pur vie ou ans, & per le e-
quity de ceo home auera
action de waste vers cestuy
que tient forsque pur vn
an, ou demy an, & vncore
ceo est hors del parols del
estatute, car cestuy que
tient forsque pur demy an
ou vn an, ne tient pur ans
mes ceo est le entent, & le
parols quel enact lun, per
equitie enacteront lau-
ter.

100

Erreur.

Erreur.

ERRour, is a fault in a
iudgement, or in the pro-
cess, or proceeding to iudge-
ment, or in the execution
upon the same in a Court
of Record, which in the
civil Law is called a Nul-
lity. And also Errour is
the name of a writ, and
it lyeth where iudgement

ERRour, est vn fault en
vn iudgement, ou en
le processe, ou proce-
ding al iudgement, ou
execution sur ceo, en
Court de Recorde, quel
fault in le civil ley é appel-
vn Nullitie. Et auxy Er-
roure est le mesme de vn
bř, & gist lou iudgement
est

The Exposition of

est done in le Common is given in the Common
 bank ou deuant Iustice in place, or before the Justice
 Assise ou deuant Iustice in Assise, or Oyer & termi-
 de Oyer & terminer ou ner, or before the Mayor &
 denant le Maior ou viconit Sherifes of London, or in ou
 de Londres ou en auter ther court of record, against
 Court de Recorde, contre the Law, or upon vndue
 le ley, ou sur vndue ou wrong proces, then by this
 male proces, donques per writ the party grieved a-
 cel briefe, le party grieve gainst whom the iudge-
 vers que le iudgement est ment is given shall have
 done auera cel briefe, & this writ, and thereupon
 per ceo causera le Record cause the record and pro-
 & processe destre remoue ces to bee remoned before
 deuant les Iustices de bak the Iustices of the Kings
 le Roy. Et la si erreur soit Bench. And if the error be
 troue il serra reuerse: mes found it shall be reversed:
 si erroneous iudgement But if an erroneous iudg-
 soit done en bank le Roy, ment be given in the kings
 donques il ne poit estre Bench, then it cannot bee
 reuerse forsque per Parli- reversed but by Parlia-
 ament tanque le Statute ment, vntill the Statute
 17. Elizabeth. 27. of Elizabeth.

Auxy si tiel default soit Also if such a default in
 en iudgement done en iudgment be given in a court
 court que nest de recorde, that is not of record, as in a
 come en county, hundred, county, hundred or in court
 ou court baron, donque le baron, then the party shall
 party auera bfe de Faux have a writ of false iudg-
 iudgement pur saif le re- met for to make the record
 cord vner deuant Iustice to come before a Justice of
 de common bank. Auxy si the comon place. Also if er-
 error soit troue en lesche- ror be found in a eschequer,
 quer il serra redresse per it shall be redressed by the
 le Chancellor & Tresorer Chancellor and Treasurer,
 as

as it appeareth by the statute of E. 3. an. 31. cap. 12. vt paret per statut Edw. 3. An 31. cap. 12.

101 **Escape.**

Escape, is where one that is arrested cometh to his libertie befoze that hee be deliuered by a word of any Just. or by order of law.

Escape is in two sorts, that is to say, voluntarie & negligent.

Voluntarie escape, is when one doth arrest another for felonie, or other crime, & after he in whose custodie he is, letteth him goe where hee will, this lettting him goe is a voluntarie escape.

And if the arrest of him that escaped were for felony, then that shall be felonie in him that did suffer the escape, and if for treason, then it shall be treason in him, & if for trespassse, then trespassse, & so in all other.

Negligent Escape is when one is arrested, & after escapes against the will of him that did so arrest him, & is not freshly pursued, & taken befoze the pursuer loseth the sight of him, this shall bee said a negli-

Escape.

Escape, est lou vn q est arrest deuaigne a son libertie deuant que il soit deliuer p agard de aucun iustice, ou p order del ley.

Escape est vn deux sorts, videlicet, volutary & negligent.

Voluntary escape e que vn arreste auf pur felonie, ou autre crime & puis ce luy en que custodie il soit, luy lesser aler ou il veult, cel lesser de luy aler est vn voluntarie escape.

Et si larrest de cestuy que escape suit pur felony, ceo serra dit felonie en cestuy que luy lesser descaper, & si pur treason il sert treason en luy, si pur vn trespassse, donque trespassse, & sic de singulis.

Negligent escape est que vn est arrest, & puis escape encounter le volunt de cestuy que luy arrest, & ne soit freshment pursue, & reprise deuant que le pursuor perdra le view de luy, ceo serra dit negligent.

The Exposition of

gent escape, non obstant que cesty hors de que possession il escape luy reprist aps le vieu perdu. Auxy si vn soit arrest, & puis escap & est a son libertie, & ce-luy en que garde il fust luy reprise apres, & luy amesne a le prison, vncore il est escape en luy.

Auxy si vn felon soit arrest per le Constable, & amesne a le gayle en le Countie, & le gayler ne voit luy receiuer & le Constable luy demit, & le gayler auxy, & issint il escape, cest est vn escape en le gailer, pur c' que en ti-el case le gailer est tenu de luy resceiuer p le main le Constable sauns aucun precept de le lustice de peace. Mes autrement est si vn common person arrest aut pur suspicion de felonie, la le gayler nest tenu de luy resceiuer sans precept de ascu des lustice de peace. Il y ad vn escape auxy sans arrest, come si murder soit fait en le iour, & le murderer ne soit prise, le donq; il é escape p que le

gent escape, notwithstanding that he out of whose possession hee escaped, doe take him after he lost sight of him. Also if one be arrested, and after escape, and is at his libertie, and he in whose ward hee was, take him afterward, and bring him to the prison, yet it is an escape in him.

Also if a felon be arrested by the Constable, and brought to the gaile in the Countie, & the gailez will not receiue him & the Constable letteth him goe, and the gailez also, and so he escapeth, this is an escape in the gailez, for p in such case the gailez is bound to receiue him by the hand of the Constable without any precept of the Justice of peace. But otherwise it is if a cōmon pson arrest another vpon suspicion of felonie, there the gailez is not bound to receiue him, without a precept of some Justice of peace. There is an escape also without arrest, as if murder be made in the day, & the murderer be not taken, then it is an escape, for the which the

Tolone

Colou where the murder was done shalbe amerced. ville ou le murder fuit fait serra amercie.

102 **Eschere.**

Eschere, is where a tenant in fee simple doth felonie, for the which he is hanged, or abjured the Realme, or be outlawed of felonie, murder, or petite treason, or if he tenant dieth without heire generall or speciall, then the Lord of whom the tenant held the land may enter by way of Eschere, or if any other enter, the Lord shall haue against him a writ called a writ of Eschere, which as I thinke is deriued of French word Eschien.

Eschere.

Eschere, est lou vn tenā en fee simple face felonie, pur que il est pendue, ou abiure le Realme, ou vilage de felonie, murder, ou petit treason, ou si le tenant morust sans heire generall, ou speciall, donques le Sñr de que le terz est tenuz p le tenant poit enter per voy de Eschere, ou si aucun aut home enter, le Seignior auera vers luy vn brieve appel bfe de Eschere, quel come sembl est deriue del parol Francois Eschien,

103 **Escuage.**

Escuage, is called in Latin Scutagium, that is to say, seruite of the shield, and he that holdeth by escuage holdeth by knights seruice, and to that belongeth ward, marriage, and reliefe: but that shal be intended of escuage not certaine, when escuage runneth through England, when it is ordeined by all the Councell of England, that after the

Escuage.

Escuage, é appel en Latine Scutagium, cest adire, seruitium scuti, & cesty que tient p escuage, tient p seruice de chivalier, & a ceo appert garde, marriage, & reliefe: mes ceo serra entende de escuage non certain, quant le escuage courage per tout Engleterre, quant est ordeine per tout le Councel Dengleterre, que apres les guerres

The Exposition of

guerres, chescun Seignior
auera certaine somme de
son tenant que ne fuit en
le dit guerre. Mes si le te-
nant qui tient dasc' Seig-
niour per escuage, soit oue
le roy é ses guerres é Escoc-
ce, & le Seign voir distrai-
luy pur Escuage, il serf bõ
plec adire, que il fuit oue
le Roy en Escocce en le gu-
erre, & ceo serf trie per le
Marshall le Roy.

Et nota bene, que hom
ne poit ten p' escuage, sinõ
que il teign p' homage, p'
ceo que escuage de com-
mon droit treyt a luy ho-
mage, come il fuit iudge
en Term. H. 21. E. 3. ca. 42.
fol. 52. Auowrie 115. Et
nota bene que escuage est
vn certaine somme de ar-
gent, & doit est' leuie per
le Seign de ses tenants so-
lonque le quantite de son
tenure quauant le Escuage
courage p' tout Engleterre,
Et ordaine est per tout le
Counsell Dengleterre qnt
chescun tenaunt donera a
son seignior, & ceo est p-
perment pur sustainer le
guerr perenter Engleterre
& ceux de Escocce, ou de

warre, enerte Lord
haue a certaine somme
his tenant which was
in the said warre. But
the tenaunt which holdeth
of any Lord by escuage,
with the king in his wars
in Scotland, and his Lord
will distraine him for es-
cuage, it shall be a good
to say, that hee was
the king in Scotland in
his wars, and that shall be
tried by the R. Marshall.

And note well, p' a man
may not hold by Escuage,
vntles he hold by homage,
for that escuage of com-
right draweth to him ho-
mage, as it was iudged in
Term. H. 21. Edw. 3. cap. 42.
fol. 52. Auowrie 115. And
note well, that Escuage
is a certaine somme of mo-
ney, and it ought to be le-
uied by the Lord of his te-
nant after the quantitie of
his tenure when Escuage
runneth throught all Eng-
land, And it is ordeined by
all the counsell of Engle-
land how much every tenat
goue to his Lord, & that
properly to maintaine the
wars betwene England
& them of Scotland, or of
wales,

Wales, and not betwene
other landes, for that, that
those foresaid lands should
be of right belonging to the
Moine of England. See
Litt' lib. 2. cap. 3.

204 Esplees.

ESplees, is as it were the
seisin or possession of a
thing, profite, or commodi-
tie that is to be taken, as
of a common the esplees
is the taking of the grasse
or common, by the monthes
of the beasts that common
there: Of an Aduowson,
the taking of grosse tithes
by the Parson presented
thereunto: Of wood, the
selling of wood, of an Or-
chard, the selling of apples
and other fruite growing
there: Of a mill, the taking
of toll is the Esplees, & of
such like. And note, that
in a writ of right of land
or aduowson, or such like,
the demandant ought to
allege in his count, that
he or his aunccestors tooke
the Esplees of the thing in
demand, or otherwise the
pleading is not good.

205 Essoine.

ESsoine, is where an act is
brought, & the plain-

Gales, & non pas peréer
autres fres, pur c' que les
auantdit terres seront de
droit appendant a la Roi-
alme Dengleterre. Vide
Lit. lib. 2. cap. 3.

Esplees.

ESplees, est sicōe le sei-
sin, ou possession dun
chose, profite, ou commo-
dity que est a pñder, come
dun common les Esplees
est le prend del grasse ou
common per les bouches
de les beasts que common
la: Dan aduowson le pñ-
der de grosse dismes per le
Parson presented al ceo:
De boys, le vend de bois:
dun orchard, le vender de
pomes & auts fruits cres-
sants la: Dun molin, le pri-
sel de tol est les Esplees, &
de tiels semblables. Et no-
ta, que en brieve de droit
de terre, ou aduowson, ou
tiels semblables, le demā-
dant doit alleadge en son
count, que il ou ses aunces-
tors prise les esplees de
chose en demand, ou au-
termēt le count nest bon.

Essoine.

ESsoine, est lou vn action
est port, & le plain-

M

tise

The exposition of

rife ou defendant ne poir
bien appearer al iour en
court pur vn de 5. causes
desouth expresse, donques
il serra essoin de sauuer son
default.

tise or defendant may not
well appeare at the day in
court for one of the 5. cau-
ses vnder expresse, then
he shall be essoined to sauue
his default.

Nota que sont 5. maners
de Essoines, cest adire, Es-
soine de ouster le mere, &
per ceo le defendant auera
iour per xl. iours. Le
second Essoine est de terra
sancta, & sur ceo le
defendant auera iour per
vn an & vn iour, & les deu-
x serront gift al commen-
cement del plee. Le tierce
essoin est de maleuener, &
ceo serra adiorne al com-
mon iour come action re-
quif, & appel le common
essoin, & quant, & coment
cest essoine serra, vide les
staturs, & lieur de abridg-
ment de statutes, lou il est
bien declare. Auxy le 4.
Essoin e De malo lecti, &
ceo est solement en brieue
de droit, & sur ceo issiera
brieue hors del Chauncerie
direct al Vicont, que
il maundera quater Chi-
ualers al tenat de veier le
tenaunt, & si il soit ma-
ladie, de doner a luy

Note well, that there be
5. manner of Essoines, that
is to say, Essoine De ouster
le mere, and by that the de-
fendant shall haue a day by
xl. dayes. The second Es-
soin is De terra sancta, and
vpon this the defendant
shall haue a day by a yere
& these twoain shall be
laide in the beginning of the
plee. The third Essoine is
De male uener, & that shall
be adioyned to a common
day as the actiõ requires,
and this is called the com-
mon essoine, and when, and
how this Essoine shall be,
looke the statutes, and the
Abridgement of statutes,
where it is well declared.
And the 4. Essoine is De
malo lecti, and that is only
in a writ of right, and then
vpon there shall a writ goe
out of the Chauncerie, di-
rected to the Sheriffe, that he
shall send 4. knights to the
tenaunt to see the tenant,
and if he be sicke, to giue

day after a yere and a day. iour aps vn an & vn iour.
Also the fist Essoine is de Auxy le 5. Essoine est de
service del Roy, and it lieth service le Roy, & gist en
in all actions except in tous actions forsque en
Assise de Nouel disseisin, a Assise de Nouel disseisin,
writ of Dower, Darreine brieve de Dower, Darrein
presentment, and in appeal presentmēt, & en appeale
of Murder, but in this Es- de Murder, mes en cest Es-
soine it behooueth at the soine il couient al iour de
day to shew his warrant, monstre son garrant, ou
or else it shall turne vnto a autrement il turnera a vn
defaut, if it be in a plec default, sil soit in plec real,
real, or else he shall loose ou autermēt il perdes xx.
xx. s. for the iourney, or s. pur le iourney, ou pluis,
more, by the discretion of per le discretion del Ju-
the Justice, if it be in a stice, sil soit en plec perso-
plec personall, as it appea- nel, vt patet per le statute
reth by the Stat. of Gloſt. de Gloceſter cap. 8.
cap. 8.

106 Estoppel.

Estoppel, is when one
is concluded and for-
biden in Law to speake
against his owne act or de-
cre, yea though it be to say
the truth.

And of Estoppels there
are a great many, one for
example is, when J. S.
is bound in an obligation
by the name of T. S. or
any other name, & is sued
afterward according to
the name in the Obligation,
that is to say, T. S. now

Estoppel.

Estoppel, est qnt vn est
conclude & denie en
ley de parler encount son
act ou fait demesne, nient
obstant il soit pur dire le
veritie.

Et de Estoppels il y ad
vn graund murder, vn pur
example est, quaut I. S.
est oblige en vn obligatiō
per le nosme de T. S. ou
ascun auter nosme, & est
sue aps accordant al mesm
le nosme mis en le obliga-
tion, cest adire, T. S. ore

M 1

il

The exposition of

il ne serf receiue adif que
il est misnomme, mes serra
chasc a responder accorde
al nomme mis en le obli-
gation, cest adire, T.S. car
peraduenture loblige ne
scauoit pas son nom, mes
p le report tantsolement
del obligour mesme, &
entant que il est mesme le
homme que suit oblige, il
serra estoppe & denie en
ley, pur adire le contrarie
enconter son fait demes-
ne, car autrement il poit
prendre aduantage de son
tort demesne, le quel le ley
ne voit suffer vn home de
faire.

Auxy si le file que est
heire a son pere, voit suer
liuerie oue sa soer que est
vn bastard, el ne serra
apres receiue purdire que
sa soer est vn bastard, en-
tant que si la bastard soer
prist le moitie del terre
oue luy, il nadremedy per
le ley.

Auxy si vn home seisie
de terre en fee simple voit
pender vn leas pur ans de
en le terre de vn estrange
per fait endent, cest vn e-
stoppel durant le termede

he shall not be receiued to
say, that he is misnamed,
but shall be bound to an-
swere according to the name
put in the obligation, that
is to say, T.S. for perad-
venture the Obligee do
not know his name, but
by the report of the Oblig-
or himself, and in as much
as he is the same man that
was bound, hee shall be
estopped, and forbidden in
Lawe, to say contrarie to
his owne deede, for other-
wise he might take aduan-
tage of his owne wrong,
which the Lawe will not
suffer a man to doe.

Also if the daughter that
is an heire to her father,
will sue liuerie with her
sister that is a bastard,
shee shall not afterward be
receiued to say that her si-
ster is a bastard, inso much
that if her bastard sister
take halfe the land with
her, there is no remedie by
the Lawe.

Also if a man seised of
lands in fee simple will take
a leas for yeeres of the same
land of a stranger by deed
indentured, this is an estop-
pell during the terme of
yeeres,

perce
by
for the
that
thing
under
simple
take
shall
will ad
termi
with th
of per
to take
lands
be pur
207
E Str
take
parties
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descriptio
come a
in with

veres, & the lessee is there-
by barred to say the truth,
for the truth is, that hee
that leased the land had no-
thing in it at the time of þ
lease made, and that the fee
simple was in him þ did
take the lease: but this hee
shall not be receiued to say
till after the yeares are de-
termined, because it appen-
reth that he hath an estate
of veres, & it was his folly
to take a lease of his owne
lands, & therefore that thus
he punished for his folly.

ans, & le lessee est pur ceo
barre adire le verity, car
le veritie est, que il que
lessa la terre nad riens en
ceo al temps del leas fait,
& que le fee simple fuit in
luy que prist le leas: Mes
ceo il ne serra receiue a-
dire tanque apres les ans
serra determine, þ ceo que
il appiert que il ad estare
pur ans, & il fuit son folly
de prender vn leas de ses
terres demesne, & pur ceo
serra issint punie pur son
folly.

107

Estrangers.

Estrangers, are sometimes
taken, they that are not
parties or parties to þ le-
asing of a fine, or making
of a deed: sometimes they
that be bozne beyond þ leas

Estrangers.

Estrangers, sont ascun
foits prise, ils que ne sōt
parties ne priuies al fine
leuie, ou felans de vn fait:
ascuns foits ils que sōt nec
ouster le mere.

108

Estray.

Estray, is wher any beast
or cattell is in any lord-
ship, and none knoweth
the owner thereof, then it
shall bee seised to the vse of
the King, or of the Lord
Roy, that hath such estray by
the R. graunt, or by pre-
scription: and if the owner
come & make claime there-
in within a yeare & a day,

Estray.

Estray, est lou ascū beast
ou cattell est in ascun
seignorie, & nul conust le
owner de ceo, donques
ceo serra seisie al oeps le
Roy, ou de le Seigni-
our que ad tiel estray per
graunt le Roy, ou per
prescription, & si le ow-
ner vient & fait claime
a ceo deins an & iour,

M 3

don-

The Exposition of

donques il le reauera, ou
autrement apres le an le
propertie de ceo serra al
Sñr, issint que le Sñr face
proclamation de c' accord-
dant a le ley.

then he shal haue it againe,
or else after the yeare the
propertie thereof shal be to
the Lord, so that the Lord
make proclamation there
of according to the law.

209 Estrepmēt.

EStrepmēt, est vn brief,
& gift lou vn é implede
per vn Præcipe quod red-
dat pur certain terre, si le
demandant suppose que
le tenant voile faire wast
pendant le plee, il auera
vers luy cest briefe que est
vn prohibition, luy com-
mandant que il ne face
wast pendant le plee.

Et cest briefe gift prop-
ment lou vn home demā-
de terre per Formedone,
ou brief de Droit, ou tiels
briefes lou il ne recouer
damage, car in tiels briefs
lou il recouera damages,
il auera ses damages, ayāt
regard al wast fait.

210 Etate probanda.

Etate probanda, est vn
briefe d'office, & gift p
le heire le tenant que tiēt
del roy in capite, pur pro-
uer que il est de plein age

Estrepmēt.

EStrepmēt, is a writ,
it lyeth where one is
impleaded by a Præcipe
quod reddat for certain
land, if the demandant sup-
pose that the tenant wil
do wast hanging the ple,
he shal haue against him
this writ which is a pro-
hibition, commanding
him that hee doe no wast
hanging the ple.

And this writ lieth pro-
perly where a man demā-
deth lands by Formedon,
or writ of Right, or such
writs where hee shall not
recoier damages, for in
such writs where hee shall
recoier damager, hee shall
haue his damages, having
regard to the wast doue.

Etate probanda.

Etate probanda, is a writ
of office, & it lieth for the
heire of the tenant that held
of the king in chiefe, for to
proue that he is of full age.

directed to the Sherife to enquire of his age, & then hee shall become tenant to the King by the same services that his auncestors made to the King: But it is said that every one that shall passe in this enquest shall be of the age of xliij. yeares at least, so that he was of full age when he & with the wyte was bozne.

direct al vicōt pur inquire de son age; & donques il deuiendra tenāt al Roy p mesme les seruices que son auncestor fist al Roy: Mes il est dit, que chescun que passer en cest inquest serra del age de xliij. ans al meins, issint que il fuit de pleine age al temps quāt cestuy que fust le brieve fuit nec.

III Excommengement.

EXcommengement, is to say in Latin Excommunicatio, and it is where a man in Court Christian is excommenged, then hee is disabled to sue any action in the Kings Court, and if hee remaine excommunicate xl. dayes, and will not be iustified by his Ordinarie, then the Bishop shall send his Letter patent to the Chancelor to certifie this Excommunication or contempt, and thereupon it shall be commanded to the Sherife to take the bodie of him that is accursed by a wyte called de excommunicato capiēdo, til he hath made agreement to holy church for

Excommengement.

EXcommengement, est adire en Latin Excommunicatio, & est lou vn home per la iudgemēt en Court Christian est excommenge, donques il est disable de suer ascun action en Court le Roy, & sil remaine excommenge xl. iours, & ne voile este iustifie per son Ordinarie, donques le Euesque mandera son letier al Chauncelour de certifier le excommunication ou contempt, & sur ceo serra commaund al Vicount de prendre le corps lexcommenge per vn brieve ap- pel Excommunicato capiēdo, iusque il ad fait greē al sanit Esglise pur

The Exposition of

le cōtempt & tort, & quāt
il ē iustifie, & ad fait gree,
donq; leuesque maunde-
ra la letter al Roy, certifi-
ant ceo, & donques serra
maunde al viscount de luy
deliuer per vn brieft ap-
pel Excommunicato deli-
berando.

Veies le Statute 6.E.6.

312 Exchange.

EXchange, est lou vn
hom est seisi de certain
terre, & vn auter home est
seisi de auter terf, si ils per
vn fait endent, ou sans fait
si le fies sont en vn coun-
tie, exchange lour terres,
issint que chescun de eux
auera auters terres a luy
issint exchange en fee, en
fee taile, ou a term de vie,
c' est appel vn exchange,
& est bone sans liuerie &
seisin.

Auxy in exchange il co-
vient que les estates a eux
limit per l'exchange sont
egales, car si vn aueroit
estate en fee in la terre, &
l'auter aueroit estate en
auter tre fors; pur terme
de vie, ou en taile, don-
ques tiel exchange est
void, mes si les estates sont

the contempt and wrong,
and when he is iustified
hath made agreement, then
the Bishop shall send his
letters to the King, certi-
fying the same, and then it
shall be commanded to the
sheriff to deliuer him by a
writ called Excommunicato
deliberando.

See the Statute 5.E.6.

Exchange.

EXchange, is where a
man is seised of certaine
land, and another man is
seised of other land, if they
by a deed indented, or with-
out deed, if the lands be in
one county, exchange their
lands, so that every of the
shall haue other landes to
him so exchanged, in fee,
fee taile, or for terme of life,
that is called an exchange,
and is good without livery
and seisin.

Also in exchange it be-
hooneth that the estates be
the limited by the exchange
be equal, for if one should
haue an estate in fee in his
land, & the other should haue
estate in the other land
but for terme of life, or in
taile, then such exchange is
hoide, but if the estates be
egal,

egal, and the landes be not
of equal baine, yet the ex-
change is good. Also an
exchange of rent for land
is good. Also an exchange
between rent and common
is good, and that ought to
be by deed. Also it behoov-
eth alway, that this word
exchange be in the deed, or
else nothing passeth by the
deed except that hee have
liuerie and seisin.

113. Execution.

EXecutio, is wher iudg-
ment is given in any
action that the plaintiff shal
recover the land, debt, or
damages, as the case is, &
when any writ is awarded
to put him in possession, or
to do any other thing, wher
by the pt should the better
be satisfied his debt or da-
mages, that is called a writ
of execution, and when hee
hath possession of the land,
or is payed of his debt or da-
mages, or hath the bodie of
the defendant awarded to
prison, the he hath executi-
on, and if the plee be in the
county or court baron, or his-
tory, & they defer the exe-
cution of the iudgement in
favour of the partie, or for

egal, & les terres ne sont
de egal value, vncore lex-
change est bone. Auxy
vn exchange de rent pur
terre est bone. Auxy ex-
change inter rent & com-
mon est bone, & ceo coui-
ent estre per fait. Auxy il
couient tous foits, q cest
patoll exchange soit in le
fait ou auterment rien passa
per le fait sinon que il aiet
liuerie & seisin.

Execution.

EXecution, est lou iudg-
ment est done en ascū
action que le plaintife re-
couia la fre, le det ou dam-
mages, come le case est, &
qnt aucun briefe est agard
de luy mirt en possession
ou de faire aucun chose, p
que le plaintife sert le mi-
eux satisfe son det ou da-
mages, ceo est appel brief
de execution, & quante
il ad le possession de le f-
re, ou est pay de det ou
dammages, ou ad le corps
le defendant agard al pri-
son, donques il ad execu-
tion, & si le plee soit en
County, ou Court Baron,
ou hundred, & ils delaiont
le execution del iudgement
in favour de partie ou pur
auter

The Exposition of

auter enchealon, donques le demandant auera brief de Execution iudicij. Nota que en brieve de dette, home nauera recouery de nul terre, mes de ceux que le defendant auoit iour de iudgement rendue. Et de chateux home auera execution solement des chateux, queux il auoit iour de execution sue.

214 Executor.

EXecutor est qnt home fait son Testament & darreine volunt, & in ceo nomina le person que executera son testamēt, donque cestuy que est issint nomme est son executor, & est a tant come en le ciuil ley (hæres designatus vel testamrarius) come al der, biens & chattels son testator, & tiel executor auera action vers chescun debtor de son testator, & si le executors ont aſſets, chescun a que le testat fuit in debt, auera action vers le executor fil ad obligation ou especialty, mes in chescun case lou le testator pouſſoit gager ſo ley, nul action gift vers executor.

other cause, the the defendant shall haue a writ of Executione iudicij. Note that in a writ of debt, a man shall not haue recovery of any lands, but of the which the defendant hath a day of a iudgement past. And of cattels a man shall haue execution onely of the cattels, which he hath day of the execution sued.

Executor.

EXecutor, is when a man maketh his testament & last will, and therein nameth the person that shall execute his testament, then he that is so named is his executor, and is as much as in the ciuill law, (hæres designatus or testamentarius) as to debts, goods and cattels of his testator, & such an executor, shall haue an action against euery debtor of his testator, & if the executors haue aſſets, euery one to whom the testator was in debt, shall haue an action against the executor, if he haue an obligation or specialtie, but in euery case wher a testator might swaue his lawe, no action lieth against the executor.

Like

Like moze therfoze befoze
in the title Administratozs

275 Exigent.

EXigent, is a writ, and it
lieth where a man sueth
an action personall, and the
def. cannot be found, nor
hath nothing within the
county whereby he may be
attached nor distrained,
then this writ shal go forth
to the shirife to make pro-
clamation at five counties
every one after an other,
that he appeare, or else that
he shal be outlawed: & if he
bee outlawed, then all his
goods & chattels bee forfeit
to the king. Also in an in-
dictment of felony, the Exi-
gent shal go forth after the
first Capias. And also in a
Capias ad computandum,
or ad satisfaciendum: And
in every Capias that goeth
forth after iudgement, the
Exigent shall go forth after
the first Capias. And also
in an appeal of death, but
not in an appeal of robbery
or appeal of mayhem.

276 Ex parte talis.

EX parte talis, Like ther-
foze befoze in the title
Accompt.

Vide pluis de ceo deuaunt
titulo Administratozs.

Exigent.

EXigent, est vn briefe, &
gist lou home sue actio
personall, & le defendant
ne puit ée troue, ne ad ri-
ens deins le county, per q
il puit este attache ne di-
strain, donqs cest bre isse-
ra al Vicount de faire pro-
clamation al 5. Counties
chescun apres auter que il
appeare, ou auterment
que il serra vrlage: & si so-
it vrlage, dóques tous ses
biens & chateux sont for-
feits al Roy. Auxy en vn
indictment de felony, le
Exigent isserra apresle pri-
mer Capias. Et auxy en
Capias ad computandum
ou ad satisfaciendum, &
en chescun Capias que is-
sist apres iudgement, le
Exigent isserra apresle pri-
mer Capias. Et auxy en
appeal de mort, mes nemy
en appeale de robbery, ou
appeale de mayhem.

Ex parte talis.

EX parte talis, Vide de
ceo deuaunt titulo Ac-
compt.

The Exposition of

217 *Ex graui querela.*

EX graui querela, vide d' ceo deuant titulo De uise.

218 *Extinguishment.*

EXtinguishment, est lou aſcun ſur, ou aſcun auſ ad aſcun rent ou ſeruice iſſuant daſcun terre, & il purchaſe m le terre, iſſint que il ad tiel eſtate en la terre, come il auoit en le rent, donques le rent eſt extinct, pur ceo que vn ne puit auer rent iſſuant hors de ſon terre demefne. Auxy qnt aſcun rent ſerra extinct, il couient que le terſ & le rent ſont e vn maine & auxy que leſtate que il ad ne ſoit defeaſible, & auxy que il ait auxy bō eſtat in la fre cōe in le rent, car ſil ad eſtate in la fre forſq; pur tme de vie, ou dās, & ad vn fee ſimple in le rent donqs le rēt neſt extinct, mes le rent eſt in ſuſpence pur cel temps, & donques apres le terme le rent eſt reuiue. Auxy ſi ſoit ſeignior, meſne, & tenant, & le Seignior purchaſe la tenancy, donques le meſnialie eſt extinct, mes le meſne auera le ſurpluſage

Ex graui querela.

EX graui querela, looke therfoze befoze in the title De uise.

Extinguishment.

EXtinguishment, is when any Lord, or any other, hath any rent or seruice going out of any land, and he pur. haſeth the ſame lā, ſo that he hath ſuch eſtate in the land as he hath in the rent, then the rēt is extinct, ſoz that one may not haue rent going out of his owne land. Also when any rent ſhall be extinct, it behoueth that the land and the rent be in one hād, and alſo that the eſtate that he hath be not defeaſible, and alſo that he haue aſſwōd eſtate in the land, as in the rent, ſoz if he haue eſtate in the land but ſoz terme of life, or pētes, and hath fee ſimple in the rent, then the rent is not extinct, but the rent is in ſuſpence ſoz that time, and then after the terme, the rēt is reuiued. And if there be Lord, meſne, and tenant and the Lord purchaſe the tenancy, then the meſnialie is extinct, but the meſne ſhall haue the ſurpluſage

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of the rent, if there be any, as rent secke. Also if a man haue a highway appendāt, and after purchase the land wherein the highway is, then the way is extinct: and so it is of a common appendant.

319 Extortion.

EXtortion, is wrong don by an Officet, Ordinarie, Archdeacon, Officiall, Maior, Bailife, Shurife, Escheator, Coroner, Undersherife, Gailer, or other officer, by colour of his office, in taking excessive reward or fee, for execution of his said office, or other wise, and is no other thing minded, then plaine robbery, or rather moze odious then robbery, for robbery is apparant, and alwayes hath with it the countenance of vice, but extortion being as great a vice as robbery is, carrieth with it a countenance of vertue, by meanes whereof it is the moze hard to be tryed, or discerned, & therfoze the moze odious, and yet some there be that will not stick to stretch their office, credit & conscience, to purchase

del rent, si ascū soit, come rent secke. Auxy si home ad chymyn appendant, & puis purchase le terre en que le chemin est, dōques le chemin est extinct, & il s'ent est de vn common appendant.

Extortion.

EXtortio, est vn tort fait p vn Officier, Ordinarie, Archdeacon, Officiall, Maior, Bailife, Vicoür, Escheif, South-vicount, Coroner, Gailer, ou auter Officier, colore officij sui, en prédrans excessive reward ou fee, pur executio de son dit office, ou autrement, & nest aut chose en fait, q plaine robbery, mes plus odible que robbery, car robbery est apparant, & tout tēps ad oue luy le countenance de vice, mes extortion estant cy hault vice come robbery est, port oue luy vn countenance de vertue, p reason de quel il est le plus dure destre trie, ou discerne, & pur ceo le plus odible, & vncore ascuns il y ad que ne voiloient demurrer mes stretch leur office, credit, & conscience, pur pchaser money,

The Exposition of

money, cibien per extortion, come auterment, accordant al disans de le Poet Virgil. Quid non mortalia pectora cogit, auri sacra fames?

money, aswell by extortion as otherwise, according to the saying of the Poet Virgil, what is that that hunger sweet of gold doth not constrain men mortall to attempt.

F

220 **F**ailer de Record.

FAiler de Record, est qnt vn actio ē port enuers vn, & le defendant plede ascun mati de Record en auter sort, & auerf de ceo proue per le record. Et le plaintiff dit nultiel record, sur que le defendaunt ad iour doñ a luy, pur amesñ eins le record, a quel iour il faile, ou amesne eins vn tiel que nest barre al cest action, donques il est dit de failer de record, & sur c' le plaintife auera iudgement de recouerer, &c.

F

Failing of Record.

FAiling of Record, is when an actio is brought against one, and the defendant pleadeth any matter that is of recozd in another sort, and doth auerf to proue it by recozd. And the plaintife saith there is no such recozd, whereupon the defendant hath day giuen him to bring in the recozd, at which day he saileth, or brought in such a one, as is no barre to this action, then hee is said to faile of his recozd, & thereupon the pt shal haue iudgement to reouer, &c.

221 **F**ait.

FAit, est vnescript enscal & deliuer, a prouer & restifier le agreement del partie, quel fait il est, al chose containe en le fait, come vn fait de seoffment est vn proue del liuerie de

Deede.

DEede, is a writing sealed and deliuered, to proue & testifie the agreement of the partie, whose deede it is, to the thing contayned in the deede, as a deede of seoffment is a prooue of the liuerie of

seisin,

seisin, for the land passeth by the luerie of seisin, but when the deed and the luerie are ioined together, that is a pꝛoofe of the luerie, and that the feoffor is contented that the feoffee shall haue the land. And note, that all deeds are either indented, whereof there be two, thre, or more partes, as the case requireth, of which the feoffor, grauntour, or lessour hath one, the feoffee, grauntee, vn auter : Et peraduēture vn auter some other bodie also another, &c. Or els they are poll deeds, or single, and but one, which the feoffor, grauntour, or lessour hath &c. And euerie deed consisteth of thre pꝛincipall points, (and if these thre bee not ioined together, it is no perfect deed to bind the parties) namely, wꝛiting, sealing, and deliuerie.

The first point is wꝛiting, whereby is shewed the parties names to the Deed, their dwelling places, their degrees, the thing graunted, vpon what considerations, the estate

Le primer point est escripture, par que est declare les nommes des parties al fait, leur habitation, leur degrees, le chose grauntus, sur queux considerations, le estat

limit,

The Exposition of

limit, le temps quāt il fuit
grāntus, & si simplement
ou sur condition, oue au-
ters tielx semblables cir-
cumstances. Mes si les
parties al fait, escript en le
fine leur nōmes demesn,
ou mis a ceo leur marques
(come il est communemēt
vse) il ne fait aucun matter
(come ico suppose) car c'
nest entende, ou il est dit,
que chescun fait couient
de auer escripture.

limited, the time when
was granted, and wher-
ther simply, or upon con-
dition, with other such
like circumstances. But
whether the parties bāt
the dede, wryte in the end
their owne names, or set
to their marks (as it is
commonly vsed) it maketh
no matter at all (as I
thinke) for that is not
meant, where it is said that
euerie dede ought to haue
wryting.

Le second point est si-
gillation, que est plus tes-
timonie de leur consents
al ceo containe en le fait,
come appiert per ceux
parolx. In cuius rei testi-
monium &c. ou a tiel ef-
fect, mis en le fine de
faits, sauns queux parolx,
le fait est insufficent. Et
pur ceo que nous sumus
en sigillation & signing
de faits, il ne serra de-
hors, icy a monstre a
vous, pur le amour del an-
tiquite, le maner del sig-
ning & subscribing de
faits, en nostre aunces-
tors le Saxons temps, vn
fashion different de c' que
nous vse en ceux nostre

The second point is
sealing, which is a further
testimony of their consents
to that conteyned in the
dede, as it appeareth
in these wordes. In testi-
monium &c. or to such
effect, alwayes put in the
latter end of dedes, with-
out which wordes the
dede is insufficent. And
because wee are about sea-
ling and signing of dedes,
it shall not bee much a-
misse heere to shewe you,
for Antiquities sake, the
maner of signing and sub-
scribing of dedes, in our
auncesors the Saxons
times, a fashion differing
fro that we vse in these our
daies,

dayes, in this that they to
their dedes subscribed
their names (commonly
adding the signe of the
Crosse,) and in the ende
did set down a great num-
ber of witnesses, not
sing at that time any kinde
of seale. And soe at this
day for moze suertie, both
subscribe our names, (al-
though that bee not verie
necessarie, as I haue a-
foresaid) and put to our
seales, and vse the helpe of
testimonie besides. That
former fashion continued
throughout, vntill the time
of the Conquest by the
Normans, whose manners
by little & little at length
preuailed amongst vs, for
the first sealed Charter in
England is thought to be
that of King Edward the
Confessor to the Abbey of
West. who being brought
up in Normandy, brought
into this realme, that and
some other of their gisles
with him. And after the
winning of William the
Conqueror, the Normans
liking their owne country
subomes: (as naturallly
all Nations doe) reiecte

iours, en ceo que ils a leur
faites subscribe leur nom-
mes, (cōmuneit adding
le signe del Crosse) & en le
fine mis vn graund num-
ber des testimoins, nient
viant a cel temps asc' mafi
de sigil. Et nous a cē iour
pur plus suerty, auxy bien
subscribe nōstr nosme (ni-
ent obstant ceo nest mule
necessary, com' ieo aye de-
uant dit) & mis nōstr si-
gilles, & vse le ayd des
tesmoignes auxy. Cest
primer fashion continue
per tout, tanque al temps
del Conquest per les Nor-
mans, que maniers per
petit & petit al darraine
preuaile enter nous, car
le primer Chart sigill en
Engleterre est pense dest
ceo del Roy Edward le
Confessour al Abbey de
Westminster, que esciant
educate en Normandie,
port en cest Reälme ceo,
& ascun auter de leur
guises. Et apres le veniens
de Guillian le Conque-
rour, les Normans esti-
māts de le custom de leur
pays (come naturalment
touts Nations sont) reiect
N le

The exposition of

le maner que ils trouuent
cy, & reuegnont leur pro-
per, com Ingulphus le Ab-
bot de Croiland, que vient
eins oue le Conquest res-
moyne, dicens : Nor-
manni cheiographorum
confectionem, cum cruci-
bus aureis, & alijs signacu-
lis sacris in Anglia firmari
solitam in cera impressa
mutant, modumque scri-
bend Anglicum reiciunt.
Mes nient obstant ceo ne
fuit fait tout al vn temps,
mes il encrease & vient e-
ins p certaine steps & de-
grees, issint que primes &
pur vn season le Roy sole-
ment, ou vn peu auters de
le Nobilitie ouster luy vse
de sigiller : Donques le
Noble homes pur le plus
part, & nul auters : Quel
chose vn home poit veyer
en le Historie de Battel
Abbey, ou Richard Lucy
chiefe Iustice de Engle-
terre, en le temps del Roy
Hen, le second, est report
de auer blame vn meane
subiect, pur ceo que il vse
vn priuate sigille, quant
ceo pertaine (come il dit)
al Roy & Nobilitie sole-
ment.

the maner that they found
here, and retayned their
owne, as Ingulphus the
Abbot of Croiland, who
came in with the Con-
quest witnesseth, sayinge
The Normans do change
the making of writings,
which were wont to be
firmes in England with
crosses of gold, and other
holy signes, into the prin-
ting waxe, and they reit-
alle the maner of the En-
glish writing. Howbeit
this was not done all at
once, but it increased and
came forwarde by certayne
steps and degrees, so that
first and for a season the
King onely, or a fewe other
of the Nobilitie besides
him vsed to seale : Then
the noble men for the most
part, and none other: which
thing a man may see in the
Epistole of Battel Abbey,
where Rich. Lucy chiefe
Iustice of England, in the
time of H. 2. the second, is
reported to haue blamed a
meane subiect, for that he
vsed a priuate seale, when
as that pertayned (as he
saith) to the King and No-
bilitie onely.

At which time also (as J. Rolfe noteth it) they used to ingraue in their seals, their own pictures, and counterfeits, couered with a long coat ouer their Armours. But after this the Gentlemen of the better sort tooke by the fashion, and because they were not all warriors, they made seals engrauen with their seuerall coats or shields of armes, for difference sake, as the same author reporteth. At the length about the time of King Edward the third, seals became vertie common, so that onely such as bore Armes used to seal, but other men also fashioned to themselves Signets of their own deuises, some taking the letters of their owne names, some flowers, some knots, and flourishes, some birds, and beasts, & som other things as we now yet daily behold in use.

Some other manners of sealing besides these have we heard of among vs, as namely that of King Edward the third, by which

A quel tēps auxy (come J. Rolfe note ceo) ils vse de ingraue en leur sigils, leur pictures demesme, & counterfeits, couer oue longe tunicle sup leur Armours. Mes aps ceo les Gentlemen del meliour sort prirent le fashion, & pur ceo que ils ne fueront toutes guerriers, ils fesoient sigilles ingraue oue leur seueral coates ou shields de armes pur difference, cōme mesme le authour report. Al darreine, en temps del Roy Edward le 3. sigils furent mult commō, issint que non solemēt tiels que portant armes vse de sigiller, mes auter homes auxy fesoient al eux mesmes signets de leur deuises demesme, ascuns pndrāt les letters de leur nosmes demesme, ascuns flowers, ascuns knots, & flourishes, ascuns oyseaux, & beastes, & ascuns auters choses, come nous ore vncōr iournalmēt veiomus en vse.

Ascuns auters manners de sigillation ouster ceux ad estre oye enter nous come nosmement ceo del Roy Edw. le tierce, p que

The exposition of

il done al Norman le hun-
ter : Le hop & le hop vill',
oue toutes les boundes
ypsides downe, & en tes-
moign que il soit verie, il
mord le cere oue son fore
dent.

Le semblable de cē fuit
monstre a moy per vn de
mes amies en vn loose
chart, mes non mult anci-
entm̄t escript, & pur c' il
voile moy q' ieo esteema
de c' come ieo pense bien:
Il fuit come ensuist.

Ieo Guilliam King, don
a vous Powlen Royden,
ma hop & ma hop terres,
oue tous le boundes vp &
downe, de celo al terf, de
terre ad infernum, pur toy
& vestres a demurrer, de
moy & mes, al toy & ve-
stres, pur vn arcke & vn
broad sagit, quaut ieo
veigne pur hunc sur Yar-
row. In testimoigne que c'
est veray, ieo morde cest
cere oue mon dent, en pē-
sence de Magge, Maude,
& Margery, & mon tierce
fis Henry.

Item ceo de Alberic de
Yeer, conteignant le do-
natiō de Hatfield, al quel
il fixe vn curt moyer hast

hee gave to Rozman the
hunter : The hop and the
hop towne, with all the
bounds ypside downe, as
in witnes that it was loth
hee bit the soare with his
sope tooth.

The like to this was
shewed to me by one of my
friends in a loose paper,
but not herie succinctly
written, and therefore he
willed mee to esteeme of it
as I thought good : It
was as followeth.

I Guilliam King, give
to thee Powlen Royden,
my hop and my hoplands,
with all the bounds ypside
downe, from heauen to
earth, from earth to hell,
for thee and thine to dwell,
from me and mine, to thee
and thine, for a Wofe and
a broad Arrow, when I
come to hunt vpon Par-
row. In witnes that this
is looth, I bite this soare
with my tooth, in the pre-
sence of Magge, Maude,
& Margerie, and my third
sonne Henry.

Also that of Alberic de
Yeer, conteyning the do-
nation of Hatfield, to the
which hee affixed a curt
blacke

black hasted knite, like vñ
to an old halpenny whittle,
in orde of a seale with di-
uers such like. *cattel, semblable al vn vi-
eux demy denierwhittle, &
steed de vn seale, ouo dius
tiels semblables.*

But some peradventure
will thinke that these were
receiued in common vse &
custome, and that they were
not rather the deuises and
pleasures of a fewe singu-
lar persons, such as are so
easily deceived, then they
that be come every Charter
and writing that hath no
seale annexed, to be as an-
cient as the Conquest,
whereas indeede sealing
has not commonly vñ
all the time of King Ed. 3.
as hath bin already said. *Mes aucun peradventure
voylent pense que ceux
fuerdt receus en commo
vse & custode, & que ils ne
fueront les deuises & plea-
sures du peu singular per-
sons, tiels quels ne son-
meines deceiue, que ils q
pensont chescun charter &
escript que ne ad sigil an-
nex, desle cy ancient cõe
le Conquest, lou en verity
sigillatio ne suit comune-
ment vse tant al temps
delroy Edwar. 3. come ad
estre dit.*

The third point is deli-
uerie, which although it be
small, is not the least, for
after that a deed is writte
and sealed, if it be not deli-
uered, all the rest is to no
purpose. *Le tierce point est deli-
uerie, quel nient obstat il
soit mis darreine, nest le
meaneft, car apres que vn
fait soit escript & sigille, si
ne soit deliuer, tout le re-
sidue est a nul purpose.*

And this deliuey ought
to be done by the partie
himselfe, or his sufficient
garrant, and so it shall
be to him, whosoether writ
or sealed the same, and by
the last act, the deed is
made perfect, according to
intent. *Et cest deliuerie doit
estre fait per le partie luy
mesme, ou son sufficient
garrant, & issint il luy lie-
ra quecunque escript ou
sigil ceo, & per cest dar-
reine acte, le fait est
fait perfect, accordant al
intent*

The Exposition of

entant & effect de ceo, & the intent & effect thereof, par ceo en faits le liuerie & therfore in deeds the do est desire proue, &c. liuerie is to be proued, &c.

Ilust poies veyer que So thus you see that escripture & sigillation swyting & sealing without sans deliuerie est a nul deliuerie is nothing to purpose : Que sigillation purpose : That sealing & deliuerie ou nest aucun ney whers there is no escriptur, worke nul chose; swyting, swyke nothing : Ne escripture & deliuerie Noz swyting and deliuerie sans sigillation auxy fait without sealing also make nul fait, Et pur c' ils tous no berd And therfore they doient iointment concurre all ought ioyntly to concur pur faire un perfect fait, to make a perfect deed as come est auantdit. is befoze said.

222 Farme, ou Ferme.

Farme, or Ferme.

Farme, ou Ferme, est specialment le chiefe mesuage en un village ou towne, a que appartient grand demeans de tous sorts, & ad este yle destelle pur terme de vie, ans ou a volunt.

Item le rent que est reservee sur tiel lease, ou semble, est appellee farme, ou Terme.

Et farmour, ou fermor, est celui que occupia le farme ou ferme, ou est lessee de ceo.

Auxy generalment chose

Farme, ou Ferme, is specially the chief mesuage in a village or towne, whereto belongeth great demeans of all sorts, and hath ben dyled to be let for terme of life, yeres, or at will.

Also the rent that is reserved upon such a lease, or the like, is called farme, or terme.

And farmor, or fermor, is he that occupieth the farme, or ferme, or is lessee thereof.

Also, generally entrie lessee

lessee for life, yeares, or at lessee pur vie, ans. on al
 bill, although it bee of ne- volont, nient obstant il
 ver so small a cottage, or soit dun petit cottage, ou
 house, is called farmoz, or mess. est appel farmor, ou
 fermoz.

And note, that they are **Et nota, qils sont appels**
 called farmen, or fermes, farmes, ou fermes, del Sa-
 of the Saxon word Feor- xon parol, Feormion, que
 mion, which signifieth to signifie pur seed, ou rend
 fee, or yeild biennall. For victuall. Car en auncient
 in the auncient time, their temps, leur reseruations
 reseruations were as well fueront cibien (ou pur le
 (as for the most part) in plus pr) en victual cōc ar-
 mionals as money, butill at gent, tanque al darrein, &
 the last, and that chiefly in c' principalmt en le temps
 the time of R. 2. 1. (by a del Roy H. 1. (per agree-
 greement) the reseruation ment) le reseruation de vi-
 of victuals, was turned in- ctuals, fuit conuert en rea-
 to ready money, and so by die argent, & issint vncor
 therts both continued a- ad continue en plusours
 mongst most men. homes.

333 Faux imprisonment.

Faux imprisonment.

FAux imprisonment, is a **F**Aux imprisonment, est
 for it, and it lyeth where vn bñe, & gist lou home
 a man is arrested & restrat est arrest & restrain de son
 and from his liberty by an libertie p vn auf, en coun-
 other, against the order of ter order de ley, donques
 the law, then he shall have il auera vers luy cest brief
 against him this writ, p que il recouera dama-
 whereby he shall recover ges. Vide plus de c' deuāt
 damages. Looke moze titulo Arrest.

The Exposition of

214 Faux Iudgement.

FAux Iudgement, vide de ceo deuant tñ error.

215 Fee ferme.

FEe ferme, est quant vn tenãt tient de son seignior en fee simple rendãt a luy le value del moity ou de tierce pt ou quart pt, ou de auter part del terre, per an: & que tient en fee ferme ne doyt payer relief ou faire auter chose, mes sicome est contain en le seoffement forsque sealtie, car ceo appët a tous maners reñures.

226 Fee simple.

FEe simple est quant ascun person tient terre ou rent ou auter chose inheritable a luy & a ses heires a tous iours, ceux parols ses heires font le state denheritance, car si terre soit done a home a tous iours, vñcore il nad forsque estate pour terme de vie. Auxy si tenant en fee simple deñle, son primer fis serra son heire, mes sil nad fis, dont que tous les fñles que il ad serront son heire, & chescun auer son parte p partition, mes sil nad fis ne

Faux Iudgement.

FAux Iudgement, look therfoze defoze in this error.

Fee ferme.

FEe ferme, is when a tenant holdeth of his lord in fee simple, paying to him the value of halfe, or of the 3. part, or of the 4. part, or of other part of the lands, by the yeare. And he holdeth by fee ferme, ought not to pay relief or do any other thing then is contained in the seoffement but sealtie, for this belongeth to all kind of reñures.

Fee simple.

FEe simple, is when any person holdeth lands or rent, or other thing inheritable to him and to his heires for evermore, & these wordes his heires make the estate of inheritance, for if land be given to a man for ever, yet he hath but an estate for terme of life. Also if the tenant in fee simple die, his first sonne shall be his heire, but if he have no son, then all his daughters that be hath shall be his heires, and every one shall have her part by partition, but if he have no sonne nor

daughter, then his next co-
line collaterall of the whole
line shall be his heire.

117 Feoffement.

Ffeoffment, is where a man
giveth landes, houses,
or other corporell things
which be hereditable to an
other in fee simple, or here-
of delivereth livery & seisin
or possession, & is a feoffment.
Thus one maketh a gift in
fee, or a lease for terme
of life, or of another mans
life, it becometh also to give
livery and seisin, or else no-
thing shall passe by & yet &c.

118 Feoffor and Feoffee.

Ffeoffor, is he that interesth
or maketh a feoffment
to another of lands, or tene-
ments in fee simple. And
feoffee is he who is inter-
esth, or to whom the feoffe-
ment is so made.

119 Fealdie.

Ffealdie, is a service called
in Latin Fidelitas, which
is done in such manner, that
is to say, the tenant shall
owe his right hand vpon
oath, and shall say to his
lord, I shall be to you faith-
full & true, and that I will
be to you both for the land and
tenement, which I claime

file, donques son pcheine
cousin collaterall de l'enire
sank terra son heire.

117 Feoffement.

Ffeoffment, est lout vn don
terre ou tel chose cor-
poral hereditable a vn au-
ter in fee simple, & de ceo
deliv. livery & possession,
ceo est vn feoffment. Ainsy
si vn fait done en fee simple
ou leas pur terme de vie,
ou pur terme d'auter vie, il
cointient auxy de done li-
very & seisin, ou autrement
tiens passera par le grant.

118 Feoffor & Feoffee.

Ffeoffor, est celuy que
enfeoffe, ou fait feoffment
a l'auter de terres ou tene-
ments in fee simple. Et feof-
fee est celuy que est en-
feoffe, ou a que le feoffment
est ainsi fait.

119 Fealdie.

Ffealdie, est vn service ap-
pelé en latin Fidelitas, &
sest fait in tel maner, que
le tenant le rendra sa
maine dext. sur vn lié, &
dira a son seignieur, Jeo a
vous terra foyall & loyal,
& soy vous portera des te-
nemens, que ieo claime
de

The Exposition of

de tener de vous, & loyall to hold of you, and thus
vous ferra les customes & shall do to you the custome
seruices que fait vous doy. & seruices that I ought to
al termes assignes, sicome do to you at the termes of
moy cyde Dieu. Et basera signed, to helpe me God
le liuer: Mes il ne genulef, And shall kisse the booke:
come en felant homiage: but he shall not knele on
Et de c' vide ap's en le ri- doing homiage. And there
de Homiage. Auxy Fealtie of loth after in the rule
est incident a tous man's wage. Also fealtie is inci-
dent a tous man's wage. And to all maner seruices.

Felonie.

Felonie, est vn general term, which comprehendeth diuers heinous offences, for which the offender, doth ought to suffer death, and lose their hands: And it seemeth that they are called felonies of the Latin word Fel, que est en Anglois Gall, en Francois Fiel: ou del auancier parol Anglois Fel, ou Fierce, ou pur c' que sont entendestes faits felleo animo, with Bitter, Fel, Fierce, ou mischieuous minde. Et de ceux sont, quant home sauns aucun colour de ley, emblee les biens d'autrui auer amountant al value de xij. pence, ou plus, ceo est Larcenie: Mes si vn approcha a le person d'autrui en le hault

Felonie, is a general term, which comprehendeth diuers heinous offences, for which the offender, doth ought to suffer death, and lose their hands: And it seemeth that they are called felonies of the Latin word Fel, which is in English Gall, in French Fiel: or of the auancier English word, fell, or fierce, or he cause that they are intended to be done with a cruel, bitter, fell, fierce, or mischieuous mind. And some of them are, when a man without any colour of law, stealeth the goods of another amounting to the value of xij. pence, or more, that is Larcenie: But if any approacheth the person of another in the high

that, & robbeth him of his goods, although it be to the value but of one peny, it is felony, & that is called robbery, and therefore he shall be hanged.

Fieri facias.

Fieri facias, is a writ judicial, and it lyeth where a man recovereth debt or damages in the kings Court then he shall have this writ to the sherife commanding him that he leuy the debt & damages of the goods of him against whom the recovery is had, & it lyeth alwayes within a yere and a day, & after 4 yere he must haue a Scire facias, & if he be thorned, & doth not come at the day &c. or if he come, & can say nothing, then hee which recovereth shal haue a writ of Fieri facias directed to the sherife, & he make him to haue execution of judgement.

But if a man recover against a woman, & she take a husband within the yere & the day, then he that shall recover must haue a Scire facias against the husband.

So it is if an Abbot or priore recover & die, his

chimin, & luy robba de les biens, mesque ils ne sont forsque al value de vn denier, il est felony, & ceo est appel robbery, & pur ceo il sera pendue.

Fieri facias.

Fieri facias, est vn briefe iudicial, & gist lon hoim recouera det ou damages en Court le Roy, donques il auera cest briefe al Vicont, luy commandant que il leuie le dette & les damages des biens celuy vers que le recouerie est due, & gist routs foits deins lan & iour, & apres lan luy reuient, de luer vn Scire facias, & si soit garny, & ne vient al iour &c. ou si vient, & ne scauoir rien dire, donques celuy que recouera auera briefe de Fieri facias direct al Vicont, que il face luy auer execution de iudgement.

Mes si home recouera vers vn feuf, & el prist baron deins lan & le iour, donques il conient que cestuy que recouers auer Scire facias vers le baron.

Auxy est si Abbot ou priore recouer et deuise, &c.

Inc.

The Exposition of

Successour deins lan auera
Scire facias. Vide de ceo
plus in le title Scire facias,
& title Execution.
272 Fine.

Fine, ascun foits est prise
pur vn somme d'argent
quel ascun est de payer al
roy pur ascun cōtempt ou
offence commise p luy, q
fine, chescun que commit
ascun trespass, ou q est cō-
uict, que il frankmet deny
son fait, ou fesoit ascun
chose in cōtempt del ley,
paiera al roy, quel est ap-
pell' fine al Roy. Ascun
foits fine est prise pur vn
final concord, quel est ew
enter ascuns persons tou-
chant ascun terre, ou rent
ou auter chose, done ascū
suir, ou brief est enter eux
pendant en ascun Court,
quel poir este en diuers
maners. Lun est quant lū
party reconust ceo este le
droit del auter, come ceo
que il eit del done cestuy
que fesoit le reconusant,
quel tous foites suppose
vn seoffement precedent,
de est dit Fine execute: ou
sil reconust ceo destre le
droit del auter, ommittant
les parolx: (come ceo que

successor within the year
shall have a Scire facias. In
therof more in the title Scire
fac' and title Execution.
Fine.

Fine, sometimes is taken
for a sum of money which
one is to pay to the King
for any contempt or offence
done by him: which fine is
very one that committeth
any trespass, or be p^{ro}secuted
there, that he falsly denies
his offence, or doth any
thing in contempt of law,
shall pay to the King: which
is called fine to the King.
Sometime a fine is taken for
a final agreement which is
had between any persons re-
cerning any lād or rē, or o-
ther thing wherof any suit
or writ is between the par-
ty in any court, which may
be diuers waies. One is
whē any party acknowledg-
eth that to be the right of
other, as that he hath of
gift of him that made the
recognisance, which is called
suppositly a seoffment go-
ing before, & is called a fine
execute. If he acknowledge
that to be the right
of an other, omitting these
wordes: (come ceo que

il eit de son done) which being a fine upon acknowledgment of right onely, if it be leuied to him which hath the freehold of the land is a fine upon a release. And if he that acknowledged it, is seized, and hee to whom it is leuied hath not the freehold of the land, the it is called a fine executory, which he to whom the land is acknowledged may execute by Entre, or Scire fac'.

And sometime such a fine sur conusans de droit onely is to make a surrender: therein is rehearsed that the recognisor hath an estate for life, & the other a reversion.

And sometime it is taken to passe a reversion, where a particular estate is recited to be in another, & that the recognisor will that the other shall haue the reversion, or that the land shall remaine to another, after the particular estate spent.

And sometime he to whom right is acknowledged, as that that he hath of the gift of the recognisor, shall yield the land, or a rent out thereof to the recognisor. And that sometime for the whole

il eit de son done) quel estant fine sur conusans de droit tant, si soit leuie a cestuy que eit le frankement del terre est Fine sur release. Et si cestuy que ceo conust est seise, & celuy a que est leuie neit le frankement del terre donques est dit fine executorie, quel cestuy a que le terf est conus poit executer per Entre, ou Scire facias.

Et ascū foits tiel fine sur conusans de droit tantum est pur faire vn surrender: lou en ceo est repeat, que le reconusor eit estate pur vie, & lauter en reversion.

Et ascū foits ceo est ew de passer vn reversion, lou particular estate est recire desic en auter, & que le reconusor voit que le auf auera le reversion, ou que le terre remaine al auter apres le particular estate finie.

Et ascun foits celuy a que le droit est conus, come ceo que il ad del done le reconusor, rendra le terre, ou vn rent hors de ceo al conusour. Et ceo ascun foits pur len tier see.

The Exposition of

fee. Aſcun fois pur vn fee. Sometime ſoz one
particuler eſtate, oue re- particuler eſtate, with re-
mainder ou remainders mander or remainders
ouer. Et aſcun fois oue ouer. And ſometime ſoz
reſeruacion del rents oue reſeruacion of rents ſoz
diſtreſſe & graunt de ceo diſtreſſe and graunt thereof
ouer per meſme fine. ouer by the ſaid fine.

Et eſt appel fine, quis p And it is called a fine,
ceo le ſuite eſt dertermine, becauſe thereby the ſuit is
& ſi ceo ſoit recorde oue ended, and if it be recorde
proclamation ſolouque le with proclamation accord-
ſtatute 4. H. 7. ceo barre e- ding to the ſtatute 4. H. 7.
ſtrangers. it barreth ſtrangers.

233 Firebote.

Firebote, eſt neceſſarie
boys pur arder, quel
per le common ley, leſſee
pur ans, ou pur vie, poit
prendre en ſon terre, ni
ent obſtant il ne ſoit ex-
preſſe en ſon leaſe: & ni
ent obſtant il ſoit vn leaſe
p parol tantum ſans fait.
Mes ſil priſt plus que be-
ſoigne, il ſerra punie en
waſt.

Firebote.

Firebote, is neceſſarie
ſwood to burne, which by
the Common Lawe, leſſee
ſoz yeares, or ſoz liſe, may
take in his ground, al-
though it be not expreſſed
in his leaſe: and although
it be a leaſe by word onely
without writing: But if
he take more then is need-
full, he ſhall be puniſhed in
waſt.

234 Fledwite.

Fledwite, hoc eſt quietu
eſſe de amerciamentis,
cum quis vlagatus fugi-
tiuus veniat ad pacem do-
mini Regis ſponte, vel li-
cenciatus.

Fledwite.

Fledwite, that is to be
quit from amercements,
when an outlawed fugi-
tive cometh to the kings
peace of his owne will, or
being licenced.

135. **Flemeswite.**

Flemeswite, that is, that you may have the cattell of merchandises of your man or fugitive.

136. **Fletwit.**

Fletwit, or (Fliwit) that is, to be quit from contention and conuictis, and that you may have plea thereof in your Court, and the merchandises, for (Fli) in English, is Tenson in French.

137. **Forrest.**

Forrest, is a place privileged by a royal authority, or by prescription, for the peaceable abiding and nourishment of the beasts or birds of the Forrest, for the sport of the King. For which there have bene in ancient time certain peculiar officers, lawes, and orders, part of which appeare in the great Charter of the Forrest.

Flemeswite.

Flemeswite, hoc est, quod habetis catalla, sine a merchandis hominis vestri fugitiui.

Fletwit.

Fletwit ou (Fliwit) hoc est quietum esse de contentione & conuictis, & quod habeatis placitum inde in Curia vestra, & merchament, quia (Fli) Anglice, est Tensione Gallice.

Forrest.

Forrest, est vn lieu privileged p authority royal, ou p prescription, pour le peaceable abode & nourishment del beasts ou oyseaux del Forrest, pour le sport del Roy: Pour queux ont estre en ancien temps certaines peculier officers, leyes, & orders, part de queux appearont en le grand Chart de le Forrest.

138. **Foriudger.**

Foriudger, is a iudgement given in a writ of Mesne brought by a tenant against the mesne Lord, which should acquite the tenant of services de-

Foriudger.

Foriudger, est vn iudgement done en vn brief de Mesne port per vn tenant enuers le mesne Seigneur, que doit acquiter le tenant des services demandos

The Exposition of

mandes per le Seignior
paramount de que le re-
neur est tenuz, & le mesme
ne voile appare, donques
indgement serf done que
le mesme Seignior per-
dra son Seigniorie, & que
le teneunt dillonques ri-
endra del Seignior para-
mount per tielx seruices
come le mesme tenoit de-
uant, & serroit discharge
del seruices queux il ren-
doit al mesme per le statuf
de Westminster a. cap. 9.
& ceo est appelle vn for-
iudger.

Et auxy si vn Attorney
ou autre Officer en aucun
Court soit ouste, & prohi-
bire de vser ceo, il est dit
destre foriudger le court.

239 Formedone.

Formedone, est vn bfe,
& gist lou tenant en le
taile incoffa vn estrange,
ou est disseise, & deuie, le
heire auer bfe de Forme-
done pur recouer le terre.
Mes sont trois briefes de
Formedone. Vn est en
le disceder, & ceo est en
le case auantdit. Auxy si
vn done terre en le taile,
& pur default de issue le

manded by the Lord a-
bout as before the ten-
ant is holden, and the me-
ne will not appeare, then
indgement shall be giuen
that the same Lord shall
lose his seignorie, & that
the tenant from thenceforth
shall holde of the Lord a-
bout by such fautes as the
same held before, and shall
be discharged of the ser-
uices which he paided to the
same by the stat. of West-
cap. 6. and that is called a
foriudger.

And also if an attorney
or other Officer in any
Court be put out and in-
bidden to vse the same, he
is said to be foriudged the
Court.

Formedon.

Formedon, is a writ,
and lyeth where tenant
in the taile incoffeth an
estrange, or is disseised, &
dyeth, the heire shall haue
a writ of Formedon to re-
couer the land. But there
be thre manner of for-
medons. One is in the dis-
ceder, and that is in the
case before said. And if
one giue lands in the taile,
and for default of issue the

remainder to an other in the taylor, and that for default of such issue the land shall reuert to the donor, if the first tenant in taylor die without issue, he in the remainder shall haue a Formedon in the remainderer: But if the tenant in the taylor die without issue, and he in the remainder also die without issue, then the donor or his heires shall haue a Formedon in the reuert.

Forfall. Forfall, that is to bee quite of amerciamentis and cattels arrested with in your land, and the amerciamentis thereof coming.

Forestaller. Foretaller, is hee that by his copie, cattell, or other merchandise whatsoeuer is saleable, by his way to market, or such like places, that hee may sell the same at a moze high and deere price, in preiudice and hurt of the com-

mon, a vn auf en le taylor, & que pur default de tel issue la terre reuertera al donour, si le primer tenant en le taylor deuie sans issue, cestuy en le remainder aua vn brieve de Formedone en le remainder: Mes si le tenant en le taylor deuie sans issue, & cestuy en le remainder auxy deuie sans issue, donques le donour ou ses heires auera vn Formedone en le reuert.

Forfall. Forfall, hoc est quietum esse de amerciamentis & catallis arrestatis infra certam vestram, & amerciamenta inde proueniencia.

Forestaller. Foretaller est celuy que achate blees, auers, ou autre merchandize quocunq; est vendible, per le chemin quant il vient al market, faires, ou tels semblie lieux desir vende, al entent que il poit vendre ceo autre foiz al vn plus hault & chere price, en preiudice & damage de le com-

The exposition of

monweale & people, &c. *monwealthe and people, &c.*
 Le penaltie pur ceux *The paine for such as*
 queux sont cōuict de ceo, *are committ thereof, in the*
 est le primer temps impri- *the first time imprisonment*
 sonmēt pur deux mois, & *for two moneths, and shall*
 pde de le value del chose *of the value of the thing*
 vende. *sold.*

Le second temps, im- *The second time, im-*
 prisonment per le space *prisonment by the space*
 de demy an, & perdra le *half a yere, and shall be*
 double value des biens, *the double value of the*
 &c. *goods, &c.*

Le iij. temps imprison- *The third time impri-*
 nement durant le pleasure le *sonment during the king's*
 Roy, & iudgement del pil- *pleasure, and iudgment of*
 lorie, & forfeitera routs *the Wille, and shall lose*
 ses biens & chattels. Vide *teit all his goods and chat-*
 le Statute 5. Edward 6. *els. See the Stat. 5. Ed.*
 cap. 14. *cap. 14.*

342 Fourcher.

Fourcher est vn deuise
 vis a delayer le plainrif
 ou demandant en vn suit
 enuers deux, queux a ceo
 ne sont de responder tan-
 que ils ambideux appear,
 & le apparance ou effoine
 dun de eux voyle excuser
 le default del auter a cel
 iour, & eux agreea que lun
 deux solement serra ef-
 foin ou apperera al vn
 iour, & pur fault del appe-
 rance del auter auoit iour
 ouster de appearer, & le

Fourcher.

Fourcher, is as deuise
 sed to delay the plaitiffe
 or demandant in a suite
 against two, which there-
 to are not to answer till
 they both appears, and the
 apparance or effoin of
 one will excuse the other
 default at that day, and
 they agree that the one
 shall be effoined or appear
 one day, and for lacke
 of the apparance of
 the other, have day out
 to appear, and the

either partie shall haue the auter party aua mesme le
same day, and at that day iour, & a c' iour laut voile
the other will appeare, or appeaſ ou estre effoine, &
be effoined, and he that ap- cesty que deuāt appieroit,
peared or was effoined be- ou fuit effoin ne voile dō-
fore, will not then appeare, ques appeſ, pur ceo que il
becauſe he hopeth to haue eſperoit dau anter iour p
another day by the adtoyn- le adiournment del party
ment of the partie which que dōques appiert ou est
then appeared, this is cal- effoin, ceo est appel Four-
led fourcher, and in some cher, & en aucuns cascs le
cases the mischiefe thereby mischiefe per ceo est re-
is remedied by the statute medie per lestat. de Glou-
of Gloucester cap. 10. and cester cap. 10. & West. 1.
West. 1. cap. 42. which bee cap. 42. que sont en le col-
in the collection of statutes lection des statutes en le
in the title Effoine 4 & 7. title Effoine 4 & 7.

143 Franches Royal.

FRanches royal, is where
the King grants to one
or his heires, that they shall
bequit of toll, or such like.

Franches Royals.

FRanches Royal, est lou
le Roy graunt al vn & a
ses hīes, q ils serront quite
de tolner, vel huiusmodi.

144 Free almes.

FREE almes, is where in
ancient times landes
were given to an Abbot
or his Couent, or to a
Abbot & his Chapter, vn
Deane & le Chapf, &
to their successors, in
a lour successors, en pure
and perpetual almes, &
perpetuall almoigne,
without exprelling ante
sauns expreller aucun ser-
uice certaine, this is
uice certaine, ceo est
Frankalmoigne, and such
Frankalmoigne, & ils
are bound befoze God
sont tenus deuaunt Dieu

Frankalmoigne.

FRankalmoigne, est lou
en auncient temps ter-
res fueront dones a vn
Abbot & son Couer, ou a
Abbot & son Couer, ou a
Deane & le Chapf, &
a lour successors, en pure
& perpetual almoigne,
without exprelling aucun
seruice certaine, ceo est
Frankalmoigne, & ils
sont tenus deuaunt Dieu

The exposition of

de faiz Oraisons & priers to make Orazons a pur le donour & ses heirs, ers for the donour and his & pur c' ils ne ferraient fe- heires, and for that they shal- tie, & si tiels que ont ter- no fealtie, and if such the- res en frankalmoigne ne hane landes in Frank- font aucun prayers ne di- moigne do make no pray- uine seruice pur les almes ers nor diuine seruice for the le donour, ils ne ferraient- soules of the donours, they per les donours a ceo cō- shall not be compelled to pelles, mes pur ceo ils poi- the donours to doe it, but ent complaine al Ordina- that they may complaine rie, luy prayant que tiel to the Ordinarie, praying negligence ne soit plus him that such negligence auant, & le Ordinarie de be no more after, and le droit ceo doit faire. Ordinarie of right ought

Mes si vn Abbe &c. ti- to doe it. ent terres de son Seigni- But if an Abbot or pri- our pur certain diuine ser- uice desire fait, come de- deth lands of his Lord by certain diuine seruice to chaunter chescun vnder- be done, as to sing euery die vn Masse, ou de faire Friday a Masse, or to faire auter chose certaine, si tiel some other thing, if such diuine seruice ne soit fait, diuine seruice be not done, le Seignior poit distraire, the Lord may distrain, and & en tiel case Labbe doit in such a case the Abbot faire a le Shior fealtie, & ought to doe fealtie to the pur ceo il nest pas dit re- Lord, and therefore it is nure en frankalmoigne, not said tenure in frankal- mes tenure p diuine ser- moigne, but tenure by di- uice, car nul poit tener e- uine seruice, for none can frankalmoigne, si soit ex- hold by frankalmoigne, if presse aucun certaine ser- any certain seruice be ex- pessed.

245 Franke fee.

Tener en Franke fee, is to hold in Franke fee, c'est a tener en fee sim-

Franke fee.

To hold in Franke fee, is to holde in fee sim-

ple landes pleadable at the common law, & not in ancient demesne.

ple terres pleadable a la common ley, & nient en ancient demesne.

Free mariage.

Free mariage, is when a man seiled of landes in fee simple, giveth it to another man, and to his wife (who is the daughter, sister, or otherwise of kinne to the donoz) in free marriage, by vertue of which right they have an estate in speciall taile, and shall hold the land of the donoz out of all maner of service until the degree becometh accosting themselves in the first degree except heirs, which they shall do, because it is incident to all tenures, saving free almes. And such gift may be made as well after marriage sole as before. And a man may give lands to his son in free marriage, as well as to his daughter, by the saying of Master Fitzherbert in his writ of Chancery H.

But it appeareth otherwise in Master Littleton, in Master Brooke in Frankmariage pla. 10.

Frankmariage.

Frankmariage, est quant vn home seisie de terre en fee simple, done ceo al autre home, & a sa fine, (q est fille, soer, ou autermēt de kin al donoz) in frankmariage, per vertue de queux parols ils ont vn estate in speciall taile, & riendra le terre del donoz quire de tous maner des services, tanque le quart degree soit passe, accoustant eux mesmes in le primer degree, sinon fealty, queux ils fieront, pur ceo que est incident a toutes tenures, forsque frankalmoigne. Et tiel done poit estre fait cibien apres mariage solemnize, come devant. Et home poit done terres a son frz in frankmariage, cibien come a sa fille, per le opinion de Master Fitzherbert in son bñe de Champertie H.

Mes il appiert autrement in Master Littleton, & en Master Brooke titu. in Frankmariage pla. 10.

The Exposition of

Et issint il suit tenuz clere
en Graies Inne en Lent.
Anñ 1576. 18. Eliz. per le
worshipful M. Rhodes dō-
ques Lector la.

247 Franktenement.

FRANKTENEMENT, est vn
estate que home ad en
terres ou tenements, ou
prose a prendre ē fee sim-
ple, taile, pur terme de son
vie demesne, ou pur terme
d'auter vie, en dower, ou
per le curtesie Denglere.
Et south ceo il ne est frā-
ktenement, car qad estate
pur ans, ou tient a volunt,
nad aucun franktenement
mes ils sont appellez char-
tels.

Et de franktenement il
y ad deux sorts, s. Frank-
tenement en fait, & Frank-
tenement in ley.

Franktenement in fait, est
quant vn home ad entre
de terres ou tenements, &
est seise de ceo realment,
actualmt, & in fait. Sicomē
le pere seise de terres ou
tenements in fee simple de-
uie, & son firs enter in eux
come heire a sō pere, don-
ques il ad vn franktenement
in fait per son entrie.

Franktenement in ley est

And so it was holden clere
in Graies Inne in Lent.
Anno 1576. 18. Eliz. by the
worshipfull M. Rhodes
then Reader there.

Freehold.

FREEHOLD, is an Estate,
that a man hath in lands
or tenements, or profits to
be taken in fee simple, till
for terme of his owne life,
or for terme of an others
life, in dower, or by the
curtesie of England. And
vnder that there is no free-
hold, for he that hath estate
for yeares, or holdeth at
will, hath no freehold,
but they are called chat-
tels.

And of freeholdes there
are two sorts, that is to
say, freehold in dede, and
freehold in law.

Freehold in dede, is
when a man hath entered
inco lands or tenements,
is seised thereof really, ac-
tually, & in deed: As if the
father seised of lands or te-
nements in fee simple by-
eth, & his son entereth into
the same as heire to his
father, then he hath a free-
hold in deed by his entrie.

Freehold in law, is

when

When landes of tenementis are descended to a man, and he may enter into them when he will, but hath not yet made his entry indeed, as in the case aforesaid, if the father being seised of lands in fee simple die seised, and they descend to his issue, but the sonne hath not yet entered into them indeed, now before his entry hee hath a freehold in

quant terres ou tenemens sont descendus al vn hom, & il poit ent en eux quant a luy pleist, mes nadyneof fait son entrie en fait, cõe en le case auantdit, si le pere esteant seise de terf en fee simple deuie seise, & ils descend a son firs, mes le firs nad vncore ent en fait en eux, ore deuant son entrie il ad vn frank-tenement en ley.

Freshsuit.

Freshsuit, is when a man is robbed, and the partie is robbed, folloiweth the felon immediatly, and taketh him with the manner, or otherwise, and then bringeth an appeale against him, and both conuince him of the felonie by verdict, which thing being inquired of for the King and found, the partie robbed shall haue restitution of his goods againe.

Also it may be said, that the partie made freshsuit, although hee take not the felon presently, but that hee haue a yeare, or a

Freshsuit.

Freshsuit, est quant vn home est robbe, & le party issint robbe, pursua le felon immediatement, & luy prist oue le maner, ou autrement, & donques port vn appeal enuers luy, & luy couince del felonie per verdict, le quel chose esteant enquire pur le roy & trouue, le partie robbe auera restitution de ses biens arere:

Item il poit este dit, que le party fait Freshsuit, nient obstant que il ne prist le felon presentment, mes que il soit demy an, ou vn an apres le robberie fait, deuant que il soit prise,

The Exposition of

si soit issint que le partie if so bee that the party rob-
 robbe fait tant que en luy bed doe what lieth in him,
 est, p diligent enquirie & by diligent inquirie and
 serch de luy pr  der, nient search to take him, yea al-
 obstant que il est prise per though he be taken by some
 vn autr home, vncof c' fer- other bodie, yet this shalbe
 ra dit home freshsuir. said fresh suit.

Et issint freshsuir    q  t And so freshsuir is when
 le Seignour vient pur di- the Lord cometh to vi-
 strein pur rent ou service, straine for rent or service,
 & le owner des beasts fait & the owner of the beasts
 rescous, & enchale eux en both make rescous, and
 auters terf que nest tenus byteth the into anothers
 del Seignour; & le Seig- ground that is not holden
 niour ensue presentment, of the Lord, and the Lord
 & reprist eux, cest appel followeth presently and ta-
 freshsuir. Et issint en auter keth the, this is called fresh
 semblables cases, suit. And so in other like
 cases.

G

G.

249 Gager de deliuer  ce. Gager de deliuerance.

Gager de deliuerance,    est lou vn sua Reple- where one sueth a Re-
 quin de biens prise, mes il pteyn of goods taken, but
 nad deliuerie des biens, & he hath not the deliuerie of
 l'auter auowa, & le plain- the goods, and the other
 tife monstra que le defen- knoweth, & the pt sheweth
 daunt est vncore possesse that the def. is yet possesse
 des biens &c. & pria of the goods &c. and pria
 que le defendaunt gagera eth that the defendaunt
 deliuerance, donques il may gage the deliuerance,
 mittera elns suertie ou then he shall put in suertie
 pledge pur le redeliue- or pledges for the deliue-
 rance

rance, & a writ shal go forth to the Sheriffe for to redeliver the goods &c. But if a man claime propertie, he shall not gage delivrance.

And if hee say that the beasts be dead in þe pound, he shall not gage, &c.

Also a man shall neuer gage the delivrance because that they bee at issue, or demurrer in the law, as it is said.

rance, & vn briefe issera al Vicont pur redelivrer les biens &c. Mes si home claime propertie, il ne gagera delivrance.

Auxy fil dit que le ains sont morts en le pound, il ne gagera &c.

Auxy home ne gagera iammes le delivrance avant que ils soient a issue, ou demurrer en ley, vt dictur.

250 Garrantie of charters.

Garrantie of charters, is a writ, & it lyeth where and bed is made that comprehendeth a clause of warranty, that is to say, Dedi or Concessi, or this word Warrantizabo, and if the tenant be impleaded by a stranger, if it be in Assise or such action where he may not vouch to warranty, then he shall have this writ against his feoffor or his heire, and if the land be recovered against him, hee shall recover as much land in value against him that made the warranty. But this writ ought to be sued during the first writ.

Garrantie des charters.

Garrantie des charters, est vn briefe, & gist lou aucun fait est fait que comprende clause de garranty, cestascavoir, Dedi, ou Concessi, ou cest parol Warrantizabo, & si le tenant soit empledé par vn estrange, si soit en Assise, ou tel action lou il ne poit vouch a garrantie, donques il avera cest briefe vers son feoffor, ou son heire, & si le terre soit recouvré vers luy, il recouvrera tant de la terre en value vers cestuy que fist la garrantie. Mes cest briefe couient estre sise pendant le premier briefe vers

The Exposition of

vers luy, ou autrement il against him, or else he hath
ad parde son aduantage. lost his aduantage.

Auxy sur garrantie en Also vpon a warrantie
ley, come sur homage an- in the law, as vpon homage
cestrel, ou sur rent reservee ancestrell, or vpon rent
sur lease a term de vie, ou reserved vpon a lease for
done en le taile home a term of life, or a gift in the
vra brieve de garrantie taile, a man shall have a
de Charters, mes nemy writ of warrantie of Char-
sur escuage. ters, but not vpon escuage.

258 Garrantie.

Garrantie.

Garrantie, est en trois
manners, s. garrantie
lineal, & garrantie colla-
teral, & que commence p
diffesin.

Garrantie lineal est lou
home seise en fee, ou en
taile, fait feoffement per
son fait a vn autre, & ob-
lige luy & ses heires a
garranty, & ad issue fits &
morust, & le garrantie
discende a son fits, ceo est
lineal garrantie, pur ceo
que si nul fait oue gar-
rantie vsq estee fait, don-
ques le droit des ter-
res discenderoit al fits
come heire a son pere,
& il conueyroit le dis-
cent de le pere a le fits.
Mes si tenaunt en le taile
discontinua le taile, & ad

Garrantie, is in thre
manners, that is to say,
garrantie lineall, & garrantie
collaterall, and which
beginneth by diffesin.

Garranty lineal is wher
a man seised in fee, or in
taile, maketh a feffement by
his deed to another, & bin-
deth him and his heires to
warranty, & hath issue, a son
& dyeth, & the warranty dis-
cendeth to his sonne, that is
lineal warrantie, for þat
if no barde with warrantie
had bene made, then the
right of the landes should
have descended to the sonne
as heire to his father, & he
shall cōuey the descent from
the father to the son. But
if the tenēt in the taile dis-
continue the taile, and hath
issue

issue and byeth, and the
uncle of the issue releaseth
to the discontinuance with
warrantie &c. and byeth
without issue, this is a col-
laterall warrantie to the
issue in the taile, for that,
that the warrantie dis-
cendeth upon the issue, the
which may not convey
him to the taile by means of
his uncle. And in emer-
gencies where a man deman-
deth landes in fee taile by
writ of Formedon, if any
of the issues in the taile
which hath possession, or
which hath not possession,
maketh a warrantie, and
he that hath the writ of
Formedon may by possi-
bilitie by matter that may
be done, might convey
to him title by force of the
gift by him that made the
warrantie &c. that is then
a lineall warrantie, and
by such a lineall warrantie,
the issue in the taile shall
not be barred, except that
he have assets to him dis-
cended: But if he may
not by no possibilitie that
may be conveyed to him title
by force of the gift by him
that made the warrantie,

the issue & denie, & le vncle
del issue releffa al discon-
tinuance oue Garrantie &c.
& morust sans issue, ceo
est collaterall garrantie al
issue en le taile, pur ceo
que le garrantie descend
sur le issue, le quel ne
poyt soy conveyer a le
taile per le meane de
son vncle. Et en chescun
case lou home demaunda
terres en fee taile per
briefe de Formedon, si
ascun ancestour del issue
en le taile que auoit pos-
session, ou q nauoit pos-
session fait vn garrantie,
& cestuy que sua le briefe
de Formedon poit per
possibilitie per matter que
pussioit este fait, pussioit
conveyer a luy title per
force del done per celuy
que fist le garrantie &c.
ceo est donques vn lineal
garrantie, & per tiel line-
al garrantie, le issue en
le taile ne serra barre, si-
non que il ad assets a luy
discendus en fee simple:
Mes si il ne poit per
nul possibilitie que poyt
este, convey a luy title
per force del done per ce-
luy que fist le Garrantie,
don-

donques ceo est vn colla-
teral garrantie, & per tiel
collateral garrantie le is-
sue en le taile serra barre
sauns aucun assers. Et le
cause que tiel collateral
garrantie est vn barre al
issue en le taile, est pur
ceo que tous garranties
deuant le statute de Glou-
cester, queux descendant a
ceux queux sont heires a
eux que sefoient les gar-
ranties fueront barres a
mesme les heirs a deman-
der aucun terres, forsprise
les Garranties que com-
mence per disseisin, &
pur ceo que le dit statute
ad ordeine que le Gar-
rantie del pere ne serra
barre a son fis pur les
terres que veigne del he-
ritage le mere, ne le gar-
rantie de le mere ne serra
barre al fis pur les terres
que veigne del heritage
del pere, per le statute
de 1. Hen. 7. capit. 20.
& nul de les statutes ad
fait ne ordeine remedie
encontre le Garrantie
que est collateral al is-
sue en le taile, & pur
ceo le garrantie que est
collateral al issue en le

then, that is a collateral
warrantie, and by such a
collateral warrantie the
issue in the taile shal be bar-
red without any assers.
And the cause that such a
collateral warranty is a
bar to the issue in the taile,
is for that that all warran-
ties before the statute of
Gloucester, which dis-
cended to them which be heirs
to them that made the war-
ranties were barres to the
same heirs to demand any
landes, except the warran-
ties that began by disseisin
and for that that the saide
statute hath ordeyned that
the warrantie of the father
shal be no barre to his son
for the landes which come
of the heritage of the mo-
ther, nor the warrantie of
the mother shal be no barre
to the sonne for the landes
which come of the heri-
tage of the father by the
statute 1. Hen. 7. cap. 20. and
none of the statutes hath
made nor ordeyned reme-
die against the warrantie
that is collateral to the
issue in the taile, and there-
fore the warrantie that is
collateral to the issue in the
taile,

taille, is yet in his force, and shall be barre to the issue in the taile, as it was before the statute. Also it be honest that all warranties whereby any heire shall be barred, that the warrantie descended by the course of common law, to him which heire to him that made the warrantie, or els it shal be no barre, for if the tenant in the taile, of lands in Borow English, where the yongest sonne shall inherit by the custome discontinued the taile, and hath issue ii. sonnes, & the yncle releaseth to the discontinued with warrantie and dyeth, and the yonger sonne bringeth a Forme done, yet he shall not be barred by such warrantie, causa qua supra. Also if any man make any deede with warrantie, whereby his heyre should be barred, and after he that made the warrantie be attaint of felonye, then his heire shall not be barred by such warrantie, for that that such warrantie might not descend vpon him, for that that the blood is corrupt.

taille, vncore est en la force, & serra barre al issue en le taile, come il fuit deuant le Statute. Auxy il couient que tous garranties, per que ascun heire terra barre, que le garrantie descend per course del common ley, a celuy que est heire a luy que fist le garrantie, ou autrement il ne serra barre, car si le tenaunt en le taile des terres en Borow English, lou le puisne fites enheritera per la custome discontinua le taile, & ad issue deux fites, & le yncle releaseth al discontinuee oue garrantie & deuie, & le puisne fites port Formedone, vncore il ne serra barre per tiel garrantie, causa qua supra. Auxy si ascun home fait ascun fait oue garrantie, per quel son heyre serroit barre, & puis ceuy que fist le garrantie soit attaint de Felonie, donques son heire ne serra barre p tiel garrantie, pur ceo que tiel garrantie ne puit descendre sur luy, pur ceo que le sanke est corrupt.

Gar-

The Exposition of

Garrantie comenceant p disseisin, est si le firs purchase terre, & puis leſſa le terſ a ſon pere pur terme dans, & le pere p ſon fait de c' enſeoffa vn eſtrange, & oblige luy & ſes heires a garrantie, & le pere deuie, per quel le garrantie diſcende al firs, vncore ceſt garrantie ne barref my le firs, mes le firs bien poit enter nient obſtant cel garrantie, pur ceo que ceſt garrantie commenſaſt per diſſeiſin, quant le pere fiſt le feoffement, que ſuit vn diſſeiſin al firs. Et come eſt dit de pere, iſſint poit eſſe dit de cheſcun auter auncelſor. Et meſme le ley eſt ſi launceſtour ſoit tenant per Elegit, ou per Statute marchand, & ſait aſcun feoffement oue garrantie, tielx garranties ne ſerront barres, pur ceo que ils comenceont per diſſeiſin.

Garrantie beginning by diſſeiſin, is if the ſonne purchase lands, & after let the lands to his father for terme of yeres, & the father by his deede infeoffeth a ſtranger, & bindeth him and his heirs to warrantie, and the father dyeth, whereby the warrantie diſcendeth to the ſonne, yet this warrantie ſhall not barre the ſonne, but the ſon may well enter notwithstanding his warrantie, ſay that that this warrantie beganne by diſſeiſin, whē the father made the feoffement, which was a diſſeiſin to the ſon. And as it is ſaid of the father, ſo it may be ſaid of euery other auncelſor. And the ſame lawe is, if the auncelſor be tenant by Elegit, or by Statute merchant, and make a feoffment with warrantie, ſuch warranties ſhall be no barres, becauſe they begin by diſſeiſin.

252 Garrantie.

Garrantie, eſt quant vn eſt lie al auter que ad terre, de garrant le terre a luy, le quel poit comence per deux meanes,

Garrantie.

Garrantie, is when one is bound to an other which hath land, to warrant the land to him, which may beginne to wayes,
s. by

1. by deede of lase : As if one and his ancestors hath held land of another, and his ancestors time out of minde by homage, which is called Homage auncestrell : Or by deede of the partie which graunteth by deede or fine to the tenant of the land to warrant it to him : upon which warrantie, if the tenant be impleaded by him which ought to warrant, or his heires, the tenant shall barre the demandant by pleading of the warrantie against him, which is called Rebuter : Or if he be impleaded by another in an action, wherein hee may vouch, hee shall vouch him which warranteth, or his heires, and if the plaintife recover, the tenant shall recover in value against the voucher.

cestaie, par ass del ley : Com si vn & ses auncestors ont tenas cerf del autre, & ses auncestors per temps dont memorie ne court per homage, que est appellé Homage auncestrel : Ou per l'act del partie que graunt per fait ou fine al tenant del terre de Garrant ceo a luy : sur quel garrantie si le tenant soit implede per luy que doit garrant, ou ses heires, le tenant barreira le demandant per pleader del garrantie vers luy, que est appel Rebuter : Ou si soit implede par autre en action, en q il poit vouch, il vouchera cesty que garrant, ou ses heirs ; Et si le plaintif recouer, le tenant recouera en value vers le vouchée.

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Gard.

Ward, is when an infant whose ancestors held by Knights service, is in the ward or keeping of the Lord of whom those landes were holden. And if the tenant holde of divers Lords divers

Gard.

Gard, est quant vn enfant que auncestor tient per service de chivalerie, est en le garde & custodie de le Seignieur de que ils fueront tenus. Et si le tenant tient de divers Seigneurs divers

seigneurs

The Exposition of

terres, celuy Seignior de landes, the Lord of whom
que il tient per prioritie, the land is holden by pri-
cest a seauoir, per le plus oritie, that is to say, by the
auncient tenure, auera le moze elber tenure, shall
garde del enfant : Mes si haue the wardship of the
vn tenure soit auxy anci- infant : But if one tenure
ent que le auter, donques be as old as the other, then
celuy que primes happale hee that first happeneth
garde de le corps gardera to haue the ward of the
ceo: Mes en ceo case ches- bodie shall keepe it : But
cun Seignior auera le in that in case euerie Lord
garde del terre que est te- shall haue the ward of the
nus deluy. Mes si le tenat land that is holden of
tient ascun terre del Roy him. But if the tenant
en chiefe, donques le Roy hold any land of the King
per sa Prerogative auera in chiefe, then hee by his
le garde del corps, & de Prerogative shall haue
toute le terre que est tenu the ward of the bodie, and
de luy, & de chescun auter of all the land that is hol-
Seignior. den of him, and of euery o-
ther Lord.

Auxy sont diuers briefs Also there bee diuers
de Garde, vn est brieve de writs of warde, one is a
Droit de garde, & gist lou writ of Right of Warde,
le tenant deuie, son heire and that lyeth where the
deins age, & vn estrange tenaunt lyeth, his heire
entra en le terre, & hap- within age, and a stranger
pale garde de corps de len- entred into the land, and
fant, hapneth to haue the ward
of the bodie of the infant.

Brieve de eieement de A writ of Eieement of
garde gist lou home est ward lyeth where a man
oust de la garde de terre is put out of the ward of
sauns le corps de le en- the land without the bodie
fant, of the infant.

Brieve de Raushment de A writ of Raushment of
ward

gard gill: les corps est
prise de luy solémēt, & ni-
ent les arres.

WArdein, ou Gardein, plus propinquant celuy que ad le garde ou custodie d'un hôte, & de son terre tenus per seruitce de chivalrie, ou de vn de eux a son vie demesne, durant le nonage del life, & deins cest temps ad le bestowing del corps del life, en mariage a son volür sans disparagement.

Et de gardeines il y ad
deux sorts, noismement,
gardeine en droit, & gar-
deine en fait.

« Gardien en droit, en ce-
 luy que per raison de son
 Shry estiffie del gardship
 ou custodie del tref, & del
 tref, durant le conage del
 tref »

Gardein en fait, est lou
le Seignior apres son Ter
fin, come auandit, grata
ta per fait, ou faons fait, le
gardship del terre, ou del
heire, ou de ambideux a
viu aurer, per force de quel
graine, le grainree est en
possession, donques est le

P

GRAND

graves appel gardein en
faics, 15molo vii sh 5m

Et cest gardeins en fais
poit graunt le heire al au-
tor ougdes and auf nest
ppermitt appel gardein
en fais, car c'est le grant
aen del gardeins en droit
solemne. 15q 2m 10m 15m

Mes le gardein en for-
page ad 15 p 15t solemn al
v 15 del hie 15q 15d 15t
copliu la age de 25 ans
Et rend pur & accompt al
heir. 15d 15p 15d 15t
leton lib. 2. cap. 4. & 5. Et
Stamf. sur stat. de Pterog.
cap. 1. & 2. 15q 15b 15t

15m 15m 15n 15t 15b 15t
15q 15b 15t 15b 15t 15q
255 Garnishment.

Garnishment est come
vn action de Deput
des charters est por vn
vn & le defendants dis
que les charters fucient
deliuer a luy per le plaint-
rife & per vn autre sur
certain conditions & prie
que l'autre soit gaigne &
pleader que le plaintife si-
les conditions sont per-
imple ou pemy & luy cep
vn brief de Scire faci-
assiera vers luy & ceo
est appelle Garnishment.

graves called gardein in
depos 15m 15t 15m 15t

And this gardein in de-
pos grant the writ to re-
pale also: But that other
is not properly called gar-
dein in de; for that in the
grant of the gardein is
right only. 15m 15t 15m

And the gardein in for-
page both the 25th year in
the life of the heire, he
he accomplish the age of 25
years, and must give the
due account to the heire
in more hereof Littleton
lib. 2. cap. 4. & 5. And Stamford
upon the Statute of Pterog-
ation cap. 1. & 2. & 6.

Garnishment.

Garnishment is an ac-
tion of detinue of cho-
ses be brought against
one, & the defendant saith
that the charters were de-
livered to him by the plain-
tife & by another heaver
caine conditions & prays
that the other may be re-
pleaded with & prays
if the conditions be im-
pleaded or no, & the writ
is called Scire facias
that is called garnishment.

and the other when hee & laut quant il vient en
commonly, shall plead with pledera oue le plaigne,
the plaigne, and that is & ceo est appel Enterple-
der. der.

Gaueler.

Gauelate.

Gaueler, is a speciall and
ancient kind of Cess.
is held in Kent where the
custom of Gauelkind con-
tinueth: whereby the te-
nant shall forfeit his lands
and tenements to the Lord
of whom they are holden,
if hee withholdeth from his
Lord his due rents & ser-
uices, after this manner
it followeth.

If any tenant in Ga-
uelkind, withhold his rent
and his seruices of the te-
nement which hee holdeth
of his Lord, let the Lord
take by the award of his
Court from thre weekes
to thre weekes to finde
some distresse vpon the te-
nement untill the 4. court,
except with witness.
And if within that time, he
can finde no distres in that
tenement, whereby he may
see justice of his tenant,
then at the 4. Court let
the award be, that he shall
take that tenement into his
hand, in the name of a di-

Gauelate, est un especial
& ancien kind de Ces-
saunt vied en Kent ou le
Custome de Gauelkind
continue, per quel le te-
nant forfeit ses terres &
tenements al Seignior de
que ils sont tenus, si de-
taine de son Seignior les
due rents & seruices, so-
lonq; cest maner que en-
suiuit.

Si aucun tenant en
Gauelkind retien la rent,
& ses seruices de le tene-
ment que il tient de son
Seignior, querge le Seig-
nior per agarde de la
Court, de trois semaines
en trois semaines, de trou-
uer distresse sur cel tene-
ment ielque a le quart
court, a toutes foies per
tesmoignes. Et si deins
cel temps ne troue di-
stres en cel tenement, per
queux il puisse son tenant
justifier, Donqs a la quart
Court soit agarde que il
preigne cel tenement en
sa maine, en nisme de di-

stresse, auxy come fuit
Boeuf ou Vache, & le ti-
ent vn an & vn iour en sa
maine, launs maine oue-
ter, deins quel terme, si
le tenaunt vient, & rende
ses arrearages, & faite rea-
sonable amendes de la
deteriner, adonc eit & in-
ioy son tenement, sicome
ses aunccestours & luy a-
uaunt tiendront. Et si ne
vient deuaunt le an & le
iour passe, donc auage
le Seignior al procheine
County Court suyant oue
tesmoignes de sa Court,
& face la pronuncier cel
processe pur tesmoynage
auer, & per agard de la
Court (apres ceo Coun-
tie tenue) entra & mey-
nouera en cels terres &
tenements, sicome en son
demesne. Et si le tenaunt
vient apres, & voyle re-
auer ses tenements, & re-
ner sicome il fist deuaunt,
face gree al Seignior,
sicome il est ancientment
dit.

Neghe sich selde, &
neghe sich gelde, & v.li.

stresse, as if it were an ox
or a cow, and let him keep
it a yeare and a day in his
hand, without murthering
it: within which terme
the tenaunt come and pay
his arrearages, and make
reasonable amends for his
withholding, then let him
haue and enioy his tenement
as his ancestors and he
before held it: and if he
doe not come before the
yeare and the day past, then
let the Lord go to the next
County Court with his
witnesses of his own Court,
and pronounce there the
processe to haue further
witnesses, & by the award
of his Court (after the
County Court holden)
hee shall enter & manure in
those lands and tenements
as in his owne. And if the
tenaunt come afterwards,
and wil rehaue his tenement,
and hold them as hee did
before, let him make a
grément with the Lord,
according as it is anciently
said.

Path hee not since any
thing giuen, nor hath he
not since any thing payed.
Then let him pay &c.

by a were ere before he
became tenant or holder
of the same. See hereof 10. H.
3. Fitz. Cessavit 60. & Sta-
tute 10. Ed. 2. of Gauelet
in London, in the collecti-
on of Statutes, London
statute much tending to
this purpose, that by this
law Gauelet, the lord that
has the land for the cen-
sing of the tenant. And see
statute 1. c. 2. 1. which giveth
Cessavit.

There bee some copies
which have the first Verse
thus written.

Nisich yelde, and nisich
gelde.

And others thus.
Nighesich yeld, & nighe-
sich geld.

But these differ not in
signification: other copies
have it after this sort.

Nigondisich seld, and ni-
gondisich geld.

That is to say: Let him
be paid pay, and ix. times

Gauelkind:

Gauelkind, is a custome
ancient and going with
us in Kent called
Gauelkind landen holden
ancient Socage te.

for the were, or hee be-
come healden. Vide de
ceo 10. Hen. 3. Fitzherbert
Cessavit 60. & statute 10.
Ed. 2. de Gauelet in Lon-
don, en le Collection del
Statutes London 3. mar-
ter tendat mult a cel pur-
pose, que per cel parol
Gauelet le Seignior au-
ra le terre pur cesser le te-
nant. Et vide West. 1. c. 2. 1.
que done Cessavit.

Il y ad aucuns copies q
ad le primer Verse issint e-
script.

Nisich yelde, and nisich
gelde.

Et auters issint.
Nighesich yelde, and
nighesich geld.

Mes ceux ne differ en
significatiō: auters copies
ont ceo solonq; cest sort.

Nigondisich seld, & ni-
gondisich geld.

Cest assavoir, payera il
nouies foites, & nouies
foits repay.

Gauelkind.

Gauelkind, est un cu-
stome annexe & cur-
rant oue terres e Kent ap-
pelle Gauelkind terres re-
nues in ancient Socage te-
nure,

The Exposition of

nure. Et est pense per les hure. And is thought by
 erudite en Antiquities, the skilfull in Antiquities
 desse appel Gavelkind de to be called Gavelkind
 Gyue al kinne, cest adire Giue al kin, that is to say,
 a tous les kinne en vn to all the kindred in
 line, accordant come est line, according as it is
 vse enter les Germans, de sed among the Germans,
 que nous Anglois, & espe- from whom wee. Espe-
 cialment, de Kent veno- men, and cheifely of Kent
 mus. Or il est appel Ga- come. Or else it is called
 uelkind de Giue al kinne, Gavelkind of Giue
 cest adire al toutes les kind, that is to say, to all
 males, car kind en Dutch the male children, for kin
 signifie vn male. Et diuers in Dutch signifeth a male
 aniers semble coniectures child. And diuers other
 sont fait per eux de le like coniectures are made
 nosme (Gavelkind) le quel by them of that name (Ga-
 uelkind) lequel omet de purpose par uelkind) which I omit of
 breuitie. purpose for shortnes sake.

Les plus vsuall customs The most vsuall cus-
 de eux sont, que le terre omes of them are, that the
 est diuidable enter les land is diuidable between
 heires males, & que le the heires male, & that the
 heire al age de xv. ans soit heire at the age of xv. years
 done & vende sa terre, & may giue & sell his land, &
 serra inherite, coment son shall inherite, although his
 pere soit attainct & pendue father be attainct & han-
 pur felonie, & la feme ser- ged for felonie, & his wife
 ra endowe del demy del shal be indowed of half the
 terre, dont son baron de- land, whereof her husband
 uie seise, & le baron serra died seised, & the husband
 tenant per le Curtesie del shalbe tenant by the curtesie
 demy, coment ne auoyt of the halfe, although he
 issue per la feme: mes le haue no issue by his wife,
 estate del baron & feme but the estate of his husband &
 cease per leur second ma- wife ceaseth by their
 riage,

...the ... of Kent ...
...the ... of Kent ...
...the ... of Kent ...
...the ... of Kent ...
...the ... of Kent ...
...the ... of Kent ...
...the ... of Kent ...
...the ... of Kent ...
...the ... of Kent ...
...the ... of Kent ...

Gelde ... **Gelde** ...
...that is to be quite ...
...de consueud' ...
...quond' dani' consueud' ...
...ad huc dani' ...
...gelde & hijs similibus.

Graund Cape ... **Graund Cape** ...
...Raund Capias ...
...de ceo apres title Petit ...
...Cape ...

Graund Sericantie ... **Graund Sericantie** ...
...Serianty, is where ...
...vn hoe giert de roy cer-
...tain terres p le seruice de-
...port son ban ou haunce,
...ou amesner son hoste, ou
...destre son caruer, ou bur-
...ler a son Coronant & tiels
...semblables, & ceo est la
...plus honorable seruice &
...plus digne, que le tenant
...poit faire, & pur c' est ap-
...pel graund Serianty. Mes
...petit serianty est quant vn

tient de roy rendant a luy holdeth of the King. par
 annuel de 10 s. aik, va coming to him yearly a hold-
 teau, vn lauce, & viel ser. a house, a spear, and a
 bl, & ce n'est fors que so- like, and that is but a
 cage en effect, mes hōe ne cage in effect, but a
 peut tener in ground ser. cannot hold in ground ser-
 ieanty ne p. perie sericantie, or by petit seric-
 tie si non de Roy. Aury. si tie but of the King. Also
 tenant p. grand sericantie: a tenant by grand ser-
 morust son heire. estant ante dieth, his heire being
 de plein age, le heire pay- of full age, the heire shall
 era al Roy pur reliefe le pay to the King for reliefe
 value des terres ouster les the value of the lands over
 charges qu'il pay al Roy the charges that he payeth
 per grand sericantie: mes to the King by grand ser-
 cestuy, que tient per Escu- tieanty: but he that holdeth
 age payera pur son reliefe by Escuage shall pay for
 forsque C.s. his reliefe but C.s.

Auxy ceux que sont en Also those that be in the
 le Marches de Scotland, Marches of Scotland,
 que tient del Roy p. Cor- that holde of the King by
 nage, cest est, pur venieler Cornage, that is, to bid
 vn cornu quant les Scots an hoire when the Scots
 entrōt en Angleterre, sont enter into England, are
 tenants per grand seric- tenants in grand seric-
 antie. antie.

Auxy ou vn home tient Also where a man hol-
 de Roy pur trouer vn hom- deth of the King for to
 en sa guerre deins le find a man in his warres
 Realm, cest est dit grand within the Realme, that
 Sericantie, pur ceo que is is called grand Ser-
 il est faire per corps dun tieanty, for that, that it is
 home. Et si le tenaunt ne done by a man hodie:
 peut trouer home de faire And if the tenaunt cannot
 ceo, donques il est tenu find a man to do it, then he
 de faire ceo luy mesme, is bound to doe it himselfe.

And

And hee that holdeth by
ground Sericanty holdeth
by knights service, and the
king shall have sword, ma-
riage, and reliefe, but not of
them that holde by pettit
Sericantie, but the King
shall not have of them that
hold by ground Sericanty
Escuage, except that they
hold by Escuage. So they
that hold by ground Ser-
icanty or Escuage, hold by
knights service. But one
may hold by ground Ser-
icantie, & not by escuage, &
by escuage, & not by grand
sericanty. And the knights
service allowes draweth
to him sword, marriage, and
reliefe.

Et il q tient p grand serie-
anty tiert p service de chi-
ualer, & le Roy auef gard,
marriage, & reliefe, mes
nemy de ceux que tient p
petite Sericantie, mes le
Roy nauef de eux que ti-
ent per grand sericantie
escuage, si non que ils tiert
p escuage. Il n'ont ceux que
tient per grand sericantie
ou escuage tient p service
de chivaler. Mes vn poit
tener per grand serie-
antie & nemy per Escu-
age, & per Escuage &
nemy per grand serican-
tie. Et le service de Chi-
ualer toutes foits treyt
a luy garde, mariage, &
reliefe.

361 Grithbreach. **G**Rithbreach, that is the
kings peace broken, be-
cause (Grith) in English,
is Pax in Latine.

Grithbrech. **G**Rithbrech, hoc est pax
domini Regis fracta,
quia (Grith) Anglice, Pax
Latine.

H **H**abere facias sci-
finam.

HAbere facias scifinam, is
a voyt iudicial, & it lieth
where one hath recovered
certain lands in the kings
Court, then he shall have

H **H**abere facias
scifinam.

HAbere facias scifinam,
est vn briefe iudiciall,
& gist lou vn ad recouer
certaine terres en Court
le Roy, donques il auera
cest

est bñ direct al Vicount,
luy commandant de done
a luy seisin del terre, & ne
seist recournable.

263 Hangwic.

HAngwic, hoc est quietu
esse de latron suspensio
sine iudicio, vel exte custo
diam vestram cuaso.

264 Hariot.

Hariot, é en deux sorts,
lun Hariot custome, le
auter Hariot service.

Hariot service (a seuns
dion) est mult foits expse
en le graunt dun home ou
en son fait, que il tient per
riel service pur paier hari
ot al tēps de son mort, Et
cest Hariot est payable a
pres le mort de le tenaunt
en fee simple.

Hariot custome, est lou
harios ont este paies tēps
hors de memory per cu
stom. Et c' poit este aps le
mort del tenant pur vie,
&c. mes a parler de c' ge
neralment,

Hariot est le meliour
beast (soit il Chival,
Boef, ou Vache:) que le
tenant ad al temps de son
mort. Et le Seignior poyt

that shal be direct to the
Sheriffe, commanding
him to give him tennant of
that land, and it shal be
recournable.

263 Hangwic.

HAngwic, that is to be
quit of a theif or felon
hanged without iudgement
or escaped out of your in
studies.

264 Hariot.

Hariot, is in two sortes,
the one Hariot custom,
the other Hariot service.

Hariot service (some
say) is often expressed in a
mans graunt or deed that
he holdeth by such service
to pay Hariot at the time
of his death. And this Ha
riot is payable after the
death of the tenant in fee
simple.

Hariot custom, is where
Harios haue bene payed
time out of mind by custom
And this may be after the
death of tenant for life, &c.
but to speake thereof gene
rally,

Hariot is the best best
beast (whether it be Horse, Ox
or Cow,) that the tenant
had at the time of his death.
And the Lord may either

seile

leise, as take a distresse for
the same, as Harior custome,
in the Lord's hse. of Sum-
mer, the tenant held by his bay-
liffe, or other officer belong-
ing to his manor. But of
right the Lord nor his of-
ficer should not take Har-
ior before it be presented at
the next court holden after
the tenant is dead, and that
such a beast is due to the
Lord for his Harior.

seise, ou prind. vi. distress
pur ceo, soit il Harior ser-
uice, ou Harior custome, al
vse del Seignior de qu'il
tenant tient per son bay-
liffe, ou autres officers de
son manor. Mes de droit le
Seignior ne son officer ne
doit prender Harior de-
uant que il soit present al
prochein court tenuz ap-
res le tenant est mort, & que
tel beast est due al Seig-
nior pur son Harior.

Haybote, or Hedge-
bote.

Haybote, or Hedgebote, is
necessary stufte to make
and amend hedges, which
the lessee for years, or for
life, of common right may
take upon the ground to
him leased, although it be
not expressed in his lease, &
although it be a lease by
words without writing.

Haybote also may be ta-
ken for necessary stufte to
make rakes, forks and such
like instruments where-
with men use in Summer
to tedde & make hay. And
in a lease for years took
it, and it was allowed him.

Haybote, ou Hedge-
bote.

Haybote, ou Hedgebote, is
necessary stufte pur
faire & amend haies, que
lessee pur ans, ou pur vie,
de comen droit poit
prendre sur le terre a luy
lesse, nient obstant il ne soit
expresse e son lease, & nient
obstant q'il soit vn lease
per parolx sans escript.

Haybote auxy poit estre
prise pur necessary stufte
faire rakes, forks & ricles
seblables instruments ouz
qux hoës vsont in Summer
de tedder & faire feine.
Et issint vn lessee pur ans
prist e, & fuit a luy allow
per

par son lessor, plus tost cbe
ico suppose, p ceo que ri
els instrumens sont com-
munement fait de slender
subboys, que per le com-
mon ley le lessor pur aus
poit succider & prender
come est auantdis.

266 Hidae;

Hidae, hoc est quietum
esse, si dominus Rex
talliauerit totam terram
per hidas.

Nota q vn Hidae de tre
est vn entire plough land:
Et cest kind de taxing per
hides fut mult vie en viel
temps, cibien par prouisi-
on de Armour, come pay-
ments de argent, & ceo
principalment en les iours
del roy Etheldred (vn roy
en cest pays deusant le
Conquest, que en le an de
Christ 1006: quant les
Danes pristef lad al S5d-
wich en Kent, taxe tout so
terre per hides in cest ma-
ner, Que chesc' 310. hides
de terre doient trouer vne
niese furnishe, & chescun
8. hides doient trouer vn
Iacke & vn Saller, pur le
defence del Realme.

by his lessor, the rather an
I suppose, for that such in-
strumens are commonly
made of slender underbois
which by the common law
the lessor for yeres may cut
and take as in aforesaid.

266 Hidae;

Hidae, that is to be quiet,

if the King shall tax all
the land by hides.

Note that a hibe of land
is a whole plough land.
And this kinde of taxing
by hides was much used in
olde tyme, as hath for pro-
vision of Armour, as pay-
ments of money, and that
chiefely in King Etheldred
daies (a King in this Coun-
trei before the Conquest)
who in the yere of Christ
1006. When as the Danes
landed at Sandwich in
Kent, taxed all his land by
hides thus, That every
310. hides of land should
finde one shippe furnished,
and every 8. hides should
finde one Iacke and one
Saller, for the defence of
the Realme.

Hotchpot, is a mingling of lands given in frankmarriage, with other lands in fee simple descended. **H**otchpot, est vn mē-
 ling ou mixing ensem-
 ble, & vn partition de ter-
 res done en Frankmarri-
 age, ouesque aucter terres
 en fee simple descendus.
 Come pur exemple : vn
 home seisie de 30. acres
 de terre en fee simple, ad
 issuc ij. filz, & done o-
 uesque vn des ses filz al
 vn home que luy marrie
 10. acres de ceo terre en
 frankmarriage, & mo-
 rust seisie de les aucter
 20. acres : Ore si el que
 est issint marrie voilloit
 aucter ascun part de les
 20. acres de que son pere
 morust seisie : el doit mis
 ses terres done en frank-
 marriage en Hotchpot, ceo
 est adire, el doit re-
 fuser de prendre le sole
 profite de terre done en
 frankmarriage, & suffer
 le terre de estre com-
 mixt & mingle ensem-
 ble ouesque le aucter ter-
 re de que son pere mo-
 rust seisie, issint que vn
 equall diuision poit estre
 faite de lentyer perentur
 her suster : And thus for luy & sa soer. Es il
 her tenns acres shee shall sint pur sa 10. acres, el
 auera

anera xv. apment la soer
voituer les auq. l'eres de
que long pere n'ouff. sci.
fe. ob. mortuo. in. 8. 10

268 **Homage** nob 201

Homage, est vn seruice
que terra fait en ciel
maner, cestascavoir, le re-
mant en fee simple, ou fee
taille, que tunc p homage
genulera sur lambideux
gennés disincte, & le
Seignieur sera, & tiendra
les maines son tenant en-
ter ses maines, & le tenant
dire : Ieo deuaigne vostre
home de cest iour en a-
uant de vie & de member,
& de terreine honour, & a
vous sera foyal & loyal.
& foy vous portera des
terres que ieo claime de
tenir de vous, salue de foy
que ieo doy a nostre Sei-
gnieur le Roy, & donques
le Seignieur issint seant,
luy balera.

Mex comēt Fealtie serf
fait, vid' deuant en Fealty.

Et le Seneschal le Seignour poit prendre fealty,
mes nemy Homage.

260 Homage au ceste.

HOmage aucestel, est
lou vn hoim & ses au-
cestours de temps dont

home fitting, she her sister
 sold him the twenty acres,
 of which she father did
 sell, 1800 in 1801.

3) **Honoring**

Hoage, is a ceremony which shall be made in such manner, that is to say, the tenant in fee simple, or feoffee, that holbeth in Hoage, shall kneele upon both his knees bright day, and the Lord shall sit and shall hold the hands of the tenant between his hands, and the tenant shall say, I become your man from this day forward of life & member, and of earthly honour, and to you shall be faithfull and true, and shall beare to you faith for the lands that I claim to hold of you, saying that saith that I owe to our Lord the King, & then the Lord so sitting, shall kisse him.

But how Fealtie shal be
done, like befoze in fealtie.

And the Steward of
the Lord may take fealty,
but not homage.

Homage a uncestral.

HOmage auncestrel, is
where a man and his
auncestours of time out of
mind.

man, his hold their land of memory ne cource, one
 other, both by homage. And thus la tre del Seignr p
 which A. and hath received Homage. Et si tiel Sñr ad
 homage, he is bound to ac- resceiue homage, il est re-
 quire the tenant against nus de acquiter le tenant
 all what Lord about him vers tous autres Sñrs pa-
 of merie manner service. ramount luy de chescun
 And if the tenant hath hom- man service. Et si le tenst
 mage to his Lord, & de ad fait homage a son Sñr,
 implected, & voucheth the & soit implect, & vouch le
 Lord in forwarrant, the Seignior a garratie, le Sñr
 Lord is bound to forwarrant est tenu de luy garrant,
 for, and if the tenant lose, & si le tenant perde, il re-
 shall reconer in value conera en value vers son
 against the Lord so much Seignior tant des terres
 as the lander ad he habuit que il auoir al temps de la
 at the time of the voucher, or vouchier, ou vnques puis.
 any time after. Also, if a Auxy si home que tient sa
 man that holdeth his land terre per homage a unce-
 by homage auncestrell, alien strell alien le terre en fee,
 the land in fee, then the ali- donques le alienee ferra
 ene shall do homage to his Homage a son Seignior,
 Lord, but he shall not hold mes il ne tiendra per Ho-
 by homage auncestrell, for mage auncestrell, pur ceo
 that the continuance of the que le continuance del re-
 tenure in the blood of the nancy en le sanke del pri-
 first tenant is disconti- mer tennant est disconti-
 nue.

Homesoken. **Homesoken.**
Homesoken, (or Hame- **H**omesoken, (ouflame-
 foken,) that is to say soken) hoc est qui cum
 out of amerciaments for esse de amerciamendis de
 entering into houses vio- ingressu hospiciorum vio-
 lently and without licence, lenter & sine licentia,
 &

The Exposition of

& contra pacem dñi Regis. Et qđ teneatis placit of the King. But that you
de hñodi transgreſſi facta hñis plen of such trespass
in Curia vestra, & in terris done in your Court, and in
vestris of your lands.

271 Homicide, ou Man- Homicide, ou Man-
slaughter. slaughter.

Homicide, ou Man- Homicide, ou Man-
slaughter, est le occid slaughter, is the killing
dun hñe feloniously sans of a man feloniously with
malice prepensed. ill est out malice forethought. It
may define illint, Homicide is also defined thus; Homicide
est hominis occisio. homicide is the killing of a
ab homin facta. Si autem man by a man. And if such
a cane, boue, vel aliare, nñ killing be done by a dogge,
dicitur propriè homicid, ore, or other thing it is not
dicitur homicidiu ab ho- properly called homicide,
mine & cado, quasi homi- for it is called homicide of
nis cadium. a man, & to kill, as the killing
of a man.

272 Hornegeide. Hornegeide.

Hornegeide, hoc è qui Hornegeide, that is to
ctum esse de quadam be quit of a certain re-
consuetud exacta p taila. Some practiced by Collage
gium p tota terrā, sicut de thowough all the land, as if
quacunq; bestia cornuta. whatsoever bove beast.

273 Housebote. Housebote.

Housebote, est necessa- Hhousebote, is necessa-
rie merisme, que le tymbor, that the lesse
lessee pur ani, ou pur vic, for yeares, or for life, of
de cñmon droit poir pñd common right may take
sur le terre, pur repayrer upon the ground, to repare
les measons sur mesme le the houses upon the same
terre a luy lesse, nient ob- ground to him lessee, al-
stant il ne soit expresse en though it be not expresse
le lease, & nient obstant il, in the lease, and although it
be

herein said by word writ: soit vn lease p parolx sans
but need. But if hee take fait Mes sil prist plus que
more than is needfull, he besoigne, il poit estre pu-
nished by an action nish p vn action de waste,
of waste.

Hundred. Hundred.

Hundreds were doubt- **H**undreds furent de-
ful by Bishop the King uise per Alfred le Roy,
after that hee had diuided apres que il ad deuide le
the whole Realme into entier Realme en certain
certain parts or sections, parts ou sections, le quel
which of the Saxon word de le Saxon parol *Seyran*,
Seyran, signifying to cut, significant de seinder, il
termed Shires, or (as terme Shires, ou (sicome
they speake) Shires & nous vncor parle) Shires
portions. These Shires & portions. Ceux Shires
he also diuided into small il auxy deuide en petites
partes, whereof some parts de queux seculs fu-
were called Lathes of the ront appellez Lathes, de
word *Gelathian*, which is le parol *Gelathian*, que est
to assemble together, & de assembler ensemble,
others Tythings, so auers Tythings, issint
named, because there were nosme, pur ceo que la fue-
much of them to the num- ront en chescun de eux al
ber of ten persons, where- number de dize persons,
of each one was suertie & de que chescun fuit suer-
pledge for others good & tie & pledge pur auers
living: Others Hun- bone behaviour: Auters
dreds, because they con- Hundreds, pur ceo que
tained iurisdiction ouer ils containt iurisdiction
a hundred men or pled- sur vn 100. hoims ou pled-
ges, dwelling peraduen- ges, demurrant peraduen-
ture in 1. or three or more ture en deux, ou trois, ou
parishes, boroughes, or plus paroches, boroughs,
townes, tping & adioy- ou villes, essant & adioy-
ment, somwhat nere nant niets meins pchein
ensem-

The exposition of

ensemble, en la quel il ap- together in which hee ap-
point administration de pointed administration of
Iustice destre exercise se Justice to be exercised
neralment enter eux de nerally amongst them of
mesme le hundred, & ne same hundred, and not that
my que lan irra hors dis- one should runne out
orderment en l'auter hun- orderly into another hun-
dred, lath, ou tything, en dred, lath, or tything,
que il ne demurt. Ceux wherein he dwelleth in
hundreds continue a cest These hundreds continue
iour en force, nient ob- to this day in force, al-
stant ne en tout al mesme though not altogether in
le purpose, pur que al pri- the same purpose, where-
mer ils fuerot ordein, vn- unto at the first they were
core a ore mult necessarie appointed, yet still were
& en temps de peace pur needfull, both in time of
bone order de gouverne- peace for good order of
ment diuers voies, & auxy governemēt diuers times,
en guerre pur certainetie and also in warre for cer-
de leuyng de homes: cōe- tainty of leuyng of men:
autermet pur le plus spe- as also for the more ready
die collections de paymts collections of payments
graunt en Parliament a granted in Parliament to
les Roies & Roignes de cē the Kings and Queens
Realme. of this Realme.

375 Hundredum.

HVadred hoc est quie-
tum esse de denarijs
vel consuetudinibus faci-
endis prapositionis & hun-
dredarijs.

I

376 Ideot.
IDeot, est celuy que est
vn for naturall de sa
neisture, & ne scauoir de

Hundredum.

HVndredum, that is to
bee quitte of money or
customs to be done to the
governours and hun-
dreds.

I

Ideot.

IDeot, is he that is a foole
naturally from his birth,
and knoweth not how to
account

account of number tven-
tie pence, nor cannot name
his father, or mother, nor
of what age himselfe is, or
such like estate and common
matters, so that it appea-
reth hee hath no manner of
understanding of reason,
nor government of him-
selfe, what is for his profit
or disprofit &c. But if hee
have so much knowledge,
that he can reade, or learne
to reade by instruction and
information of others, or
can measure an Ell of
cloth, or name the dayes
in the weeke, or beget a
childe, sonne or daughter, or
such like, whereby it may
appeare that he hath some
light of reason: then such a
one is no Idiot naturally.

accompter ou number xx.
d. ne poit noli son pere,
ou mere, ne de quel age il
m est, ou tiel semblable
plain & common choses,
iffint que il appiert que il
nad alc' man de 'entende-
ment de reason ne gouverne-
ment de luy mesme, quel est
pur son profit ou disprofit
&c. Mes sil ad tant intelli-
gence que il poit lier, ou
apprendre de lier per in-
struction & informatiō de
auts, ou poit mesure vn
vne de drape, ou nosme
les iours en le semaine,
ou engend' vn enfant, fils,
ou fille, ou tiel semblable,
p que il poit appeare que
il ad ascun lumen de rea-
son, donques tiel nest Ide-
ot naturalment.

Idempnitare no-
minis.

Idempnitare no-
minis;

Idempnitare nominis, is a
writ, and it lyeth where
a writ of debt, covenant, or
account, or such other writ
is brought against a man,
and another that hath the
same name as the defen-
dant hath, is taken for him,
and he shall have this writ,

Idempnitare nominis, est
vn briefe, & gift lou bre
de Dette, Couenant, Ac-
count, ou tiel semblable
bre est port vers vn hom,
& vn autre que ad mesme
le nosme come le defen-
dant ad, est pris pur luy,
donques il auera cest bre,

Q a

por

The exposition of

par que le vicon frainqui-
rie deuant iustice assigne
en mesm le countie, si soit
mesm le person ou nemy,
& fil ne soit trouue le pie,
donques il alera sans iour
en peace.

by the which the Sherrif
shall make inquirie before
the Justice assigned in the
same countie, if he be the
same person or not, and if
hee be not found to bee the
partie, then hee shall goe
without day in peace.

278 Ieosaile.

Ieosaile, est quant les par-
ties al ascu luit en plea-
dant ont a taunt proceed
que ils ayent ioine issue
quel terra trie, ou est trie
per vn iurie ou Enquest.
Et cel pleading ou issue
est cy malement plede ou
ioine, que il sera erreur si
eux proceed: Donque as-
cun del dits parties poit
per leur counsell monstre
ceo al Court auxy bien
apres verdict donc & de-
uant iudgemēt, come de-
uant le iurie soit charge.
Le monstrans des queux
defectes deuant le iurie
charge, suit souent quant
le iurie veign al Court de
trier le issue: donques
le counsell quel voit ceo
monstre, dira, Cest En-
quest ne dois prend. Et
si soit apres verdict, don-
ques il poit dire, al iudge-
ment ne deues aler. Et

Ieosaile.

Ieosaile, is when the par-
ties to any suit in plea-
ding haue proceeded so far
that they haue ioynded issue
which shall be tryed, or is
tryed by a Iurie or En-
quest. And this pleading
or issue is so badly pleaded
or ioynded that it will be er-
ror if they proceed: Then
some of the said parties
may by their counsell shew
it to the Court as well
after verdict given as
before iudgement, as be-
fore the Iurie be charged.
The shewing of which
defectes before the Iurie
charged, was often when
the Iurie came into the
court to trie the issue: then
the counsell which will shew
it shall say, This Enquest
ye ought not to take. And
if it be after verdict, then
he may say, To iudgement
ye ought not to goe. And

because by such many de-
lats were in suits, diuers
statutes are made to redress
them, as well in the time of
king H. 8. in the 32. yere
cap. 30. as in the time of
Ed. 6. whereof a man
may say as the Ciuilians
say. That although Con-
stantine the Emperoz com-
manded the sozmes of the
Law to be cut off, yet the
very life of pleading doth
see again to recal them, or
rather some of the increase
of the head of Hydra.

pur e que pertiels mul-
telaies fueront in suits, di-
uers statutes sont faits de
redresser ceo, auxy bien in
temps de roy H. 8. an 32. c.
30. come en le temps le
Roigne Elizab. De queux
home poit dire come les
Ciuilians dion. Quod ta-
men si iuris formulas am-
putari iusserit Constanti-
nus Imperator, quotidiana-
nus tamen forealis vsus e-
as reuocasse videtur, vel
potius, quod crescunt vt
Hydrae capita.

Valawfull assembly.

Illoyal assembly.

Valawfull assembly, is
where people assemble
themselues together to doe
for lawfull thing against
the peace, although they
execute not their purpose
made.

Illoyal assembly, est lou
people eux assemble in-
simul p faire illoyal chose
encounter le peace, nient
obstant que ils ne execut
leur purpoe en fait.

Imparlance.

Imparlance.

Imparlance, is when an a-
ction of debt, trespass, or
the like is brought against
a man, & after the plain-
tiff hath costed or declared,
the defendant prayeth the
Court that hee may haue
time to put in his answer to

Imparlance, est quant vn
action de det, trespass, ou
telx semblables est port
eueurs vn home, & apres
que le pl ad count ou de-
clare, le def. prie le Court
que il poit auer temps de
mister eins son respons al

The Exposition of

auter iour in sa le terme, another day in the same
ou in le procheinie terme, terme, or in the next terme
cest stay de respons est ap- following, this stay of an-
pelle Imparance. swere is called imparance.

281 Imprisonment.

Imprisonment, nest auter
chose forsque le restraint
del liberte dun home, soit
ceo in le ouert champs, ou
en le cippes, ou cage in les
estreates, ou in le proper
meson dun home, cibien
come en le comon gaole,
Et en tous ceux lieux le
parry issint restrain est dit
deste vn prisoner, ci loge-
ment ceo il nad son liber-
ty frankement de ire a tous
temps & lieux lou il voit,
sans baile, mainprise, ou
auter authority.

282 Indicaunt.

Indicaunt, est vn brieve, &
gist lou debate est per-
ter deux Clerkes en court
Christian dun Eglise, ou
part de vn Eglise, pur dis-
mes que amount al meins
a le value de la quart part
del Eglise, & pur ceo
que le Patron del Clerke
le defendaunt perdra son
aduowson, si le Clerke
le plaintise la recouera,
donques il aucta brieve

Imprisonment.

Imprisonment, is no other
thing, but the restraint
of a mans libertie, whe-
ther it be in the open field,
or in the stocks, or cage
in the streets, or in a mans
owne house, aswell as in
common gaole. And in all
these places the party is
restrained is said to be a
prisoner so long as he hath
not his libertie freely to
go at all times to all places
whether he will, without
baile or mainpryse, or o-
therwise.

Indicaunt.

Indicaunt, is a writ, and
lyeth where debate is be-
tween 2. Clerkes in court
Christian of one Church,
or part of a Church, in
dismes which amounteth
at the least to the value of
the iij. part of the church,
& for that that the Patron
of the Clerk of the def. shall
lose his aduowson, if the
Clerk of the pt. shall reco-
uer it, he shall have a writ
directed

directed to the Clerke of the plaintife, or to the officers of the Court Christian, eux commandant de cesser de leur plee, iusques il est discusse en Court le Roy a que laduowson appent : Et cest brieve serra enter quater persons, deux serront patrons, & deux serront clerks. Mes cest brieve nest retournable : mes ils ne cessont leur suit il auer vn Attachment.

direct al Clerk le plaintif, ou al officers del Court Christian, eux commandant de cesser de leur plee, iusques il est discusse en Court le Roy a que laduowson appent : Et cest brieve serra enter quater persons, deux serront patrons, & deux serront clerks. Mes cest brieve nest retournable : mes ils ne cessont leur suit il auer vn Attachment.

11. Infangtheefe.

Infangtheefe.

Infangtheefe, that is that theues taken within your demesne or fee countie of thefts, shall be iudged in your Court.

Infangtheefe, hoc ē que latrones capti in domino vel in feod' vestro de latrocinij conuicti, in curia vestra iudicent.

12. Information.

Information.

Information for the King is that which for a common person is called a declaration, and is not alwayes done directly by the King, or his Atturney, but rather by some other man, who sueth or informs as well for himselfe as for the breach of some law or Statute, wherein a penaltie is given to the partie that shall do for the same, but no

Information p le Roy est ceo que pur vn common person est appell vn declaration, & nest toutes foits fait directement per le Roy, ou son Atturney, mes per vn autre home, Qui tam pro domino Rege quam pro se ipso sequitur, sur le breach de alcun penal ley ou statute, en que vn penaltie est done al partie que voit suer pur ceo, mes nul

Q.

adon

action de det pur recouertition of debt to wrong
c' donq; il doit este ewe p is, then it must bee had by
information.

Instant. Instant. which is said to
Latin Instant, & defined

Instant; que est dist en by the Logicians, a thing

Latine Instant; & define not dividable in time,

per les Logicians, Pnum which is not any time, nor

indivisible est tempus quod part of time, to which yet

non est tempus, nec pars the parts of time are con-

temporis, ad quod tamen ioyned, is much considered

partes temporis copulatur, in the law, & though it can

est mult consider en ley: non bee actually divided,

& coment ne poet auel yet in consideration & com-

ment deste deuide, vncore ceit may be divided & appli-

est en consideration & ed to severall purposes, as

conceit deuide & applie if they were severall times,

al severall purposes, sicoe wherof see in M. Plowdens

fueront severall temps, Com. in the case betweene

de quel vide en Maister Fulmerston & Suard, wher

Plowdens Commentaries, the Statute of 41. 42. 8. which

en le case enter Fulmerston enacted, & is an abbot with

& Stuard, lou lestatute in a yeare before & Wat. had

31. Henr. 8. que enact, que letten lands to one, which

si Abbe deins an deuant at the time of the making

cest Statute lessa terre al of that lease, had the same

vn, que donq; eyt mes land to serve for a terme of

me terre al ferme, pur yeares, at the time of & ma-

term de ans donque nief king of that lease not ex-

expir q le lessee auer cest ppreh, that & Lessee should

terre solement pur vint have that land only for 21.

vn ans, est expound. Et yeares is expounded. Then

la est debate que quaut thate it is debated, that

termor prent le seconde when & termor taketh the

lease, il surrender son 2. lease, he surrendereth his

for.

former tēme which he had before, & so at the same time at the casting of the lease, the former tēme was expired, and so at one instant at one time hee had a former tēme, and also the former tēme was expired & determined. And in the case betweene Petit & Hales, he which killeth himselfe, till he be dead did not commit felony, and when hee was dead, he was not in being, & that hee might bee returned a felon, but at the instant is in the lawe admitted a felon. And so there be many other cases in the law, where the instant that is not dividable in nature, in the consideration of the minde & understanding of the sages of the law is divided, upon which arise many arguments of great wit & profound iudgement.

former tēme luy al avant deuant, & sic al mesme temps del pais del second lease, il eir vn form tēme, & per le prisel del second lease le former tēme fuit expire, & issint al vn instant de tēps, il eir vn former tēme, & auxy le form tēme fuit expire & determine. Et en le case enter *Petit & Hales*, cestuy que occide luy mesme, tanque soit mort ne fetoit felony, & quant fuit mort, ne fuit en esse, issint que poit este dit felon, mes al instant en ley adiudge felon. Et sont mults autres cases en ley, lou le instant temps, que est indeuisible en nature, en consideration del ment & entendment del sages del ley ē deuide, sur queux surde mults arguments de graund ingenie & profound iudgement.

Joinder tenants.

Joinder tenants, be where two men come to any landes & tenements by one ioint title. As if a man give lands to two men and to their heires.

Joinder tenants.

Joinder tenants sont lou deux homes vient a aucun terres ou tenements per vn ioint title: come si home done terre a deux homes & leur heires.

Joint tenants in com-

Mes Tenants en commun

The Exposition of

Enen sont ion ij. homes mon bee whete: two men
 ont terres per feuerall ti- have landes by feuerall ti-
 tles, ou per feoffement al- tles, or by feoffemēt to two
 deux, a auer & tener l'un to haue and to hold the one
 moitie al vn & ses heires, half to one & his heires, &
 & l'auter moitie al l'auter the other halfe to another
 & ses heires, en tous ceux and his heires, in all these
 cases nul de eux scauoit cases none of them know-
 son feuerall, come il serra eth his feuerall, as it shal-
 dit apres. loth after.

Et nota si sont deux ou And note wel, if there be
 trois iointenants, & vn two or three Iointenants,
 ad issue & deuie, donques and one hath issue & dieth,
 cestuy ou ceux iointenāts then hee and those iointe-
 que suruesq; auera lenti- nants that one of them
 ertie per le suruiueur, haue the whole by the sur-
 uiuer.

Mes si deux iointenāts But if two iointenants
 sont particion en eux per make partitiō betwixt the
 fait per agreefnt, donques by deed by agreement, then
 ils sont feuerall tenants. they be feuerall tenants.

Mes si vn iointenaunt But if one iointenamt
 graunt ceo que a luy ap- graunt that that belongeth
 pent a vn estranger, don- to him to a stranger, then
 ques l'auter iointenant & the other iointenamt un-
 le stranger sont tenāts en the stranger be tenants in
 common. common.

Et mesque ij. tenants And though two te-
 en common sont seise p nants in common be seised
 my & per tout, & nul co- thoroughly & of the whole,
 nuist son feuerall, vncore si and none knoweth his fe-
 vn deuie, l'auter ne auera uerall, yet if one die the o-
 lentierte p suruiuer, mes ther shall not haue the whole
 le heire de cestuy que deuie by the suruiuer, but the
 auera le moitie. heire of him that dieth shal
 haue the halfe.

And so if there bee thre Joints, & one of them maketh a feoffment of his part to another, & the leof. is dieth, then his heire shal have the third part, & the other two be Joints, as they were, because that they two be seised by one ioint title.

Also if lands be given to the Baron, and to his wife and the husband alqueth & with, the wife shal recover the whole: But if they be Joints before the covering, then in such case shee shall recover but the halfe.

Also if land be given to the husband and to his wife to a third person, if the third person grant that that becometh to him, the one halfe passeth by this grant, for that that the baron and his wife be but one person in the Law, and in this case they have nothing in right but the halfe.

Also if two Joints have of lands in a Towne which is Borough Eng-lish, where land is devisable, and one by his Testa-ment deviseth that, that

Et issint si sont iij. Joints, & vn de eux fait feoffment de son part a vn autre, & le feoffee deuie, donques son heir aua le tierce part, & les autres ij. sont ioints comme ils fueront, pur ceo que eux deux sont seises per vn ioint title.

Auxy si terre soit done al baron & sa feme, & le baron alien & deuie, le feme recouera l'entier: Mes si ils fueront ioints deuant le couerture donques en tiel case el recouera forsque le moiry.

Auxy si terre soit done al baron & sa feme, & al tierce person, si le tierce person graunt ceo que a luy appent, la moiry passera per cel grant, pur ceo que le baron & sa feme sont forsq; vn person en le ley, & in cest case ils nount in droit forsque le moiry.

Auxy si deux ioints naunt sont des terres in ville q'est Borough Eng-lish, lou terre est deuisable, & lun person Testament deuise ceo que

The Exposition of

a luy appent a vn estrang' belongeth to him to a str-
 & deuise, cest deuise est ger e ovesh, this deuise is
 void, & le auter auer lon- void, & the other shall haue
 rtiertie per suruiver, pur e the whole by suruiver, &
 que le deuise ne poit pre- that the deuise may not
 uer effect tanque apres le take effect till after the
 mortle deuisor, & imme- of the deuisor, and imme-
 diate apres le mort le de- diate after the death of the
 uisor, le droit deuient al deuisor, the right cometh
 auter iointenant p le sur- to the other iointenant by
 uiuor, le quel ne claime the suruiver, the whole
 riens per le deuisor, mes e claymeth nothing by the
 son droit demelne per le deuisor, but in his own
 suruivor. Mes autement right by the suruiver. &
 est de Parceners seises d's otherwille it is of Parceners
 terres deuifables, Causa ners seised of landes deuif-
 qua supra. sable, Causa qua supra.

287 Iointure.

Iointure, est vn estat & Iointure, is an estat and
 assurance fait a vn feme assurance made to a feme
 en consideration de mari- mon in consideration of mar-
 age pur terme de sa vie, riage for terme of her life,
 ou autrement, come est or otherwise, as is mentio-
 mention en lestatute 27. ned in the statute 27. of
 H.8 cap. 10. soit il deuant cap. 10. whether it be be-
 ou apres le mariage: Et si foze or after the marriage.
 soit apres le mariage, don- And if it be after the mar-
 ques el poit a sa libertie riage, then shee may at her
 apres le mort de son ba- libertie after the death of
 ron refuser de prender ou her husband refuse to take
 auer les terres tant assure or haue the landes to assure
 par sa iointure, & de- red for her Iointure, and
 maunde la dower al com- demand her dower at the
 mon ley: Mais si il soit fait common law. But if it be
 deuant mariage, don- made befoze mariage, then
 ques el ne poit refuse nel shee may not refuse such
 ioin-

tenure, nor haue dower according to the common law, unless that when she bringeth her writ of Dower, the defendant pleadeth such a plea that will not bar her of her dower, then she shall be endowed: As if he say in barre, that her husband was not seised of such estate whereof she might be endowed, or any such plea, & doeth not shew that she hath a ioynture wife, &c. and therefore demandeth iudgement of that action, or iudgement if she shall be also endowed, or any such like plea &c. And this was the opinion of the right worshipfull M^r. Brograve, at his Reading in Grayes Inne in Summer 25. 1567. 18. Upon a branch of the statute made 27. H. 8. cap. 10. concerning ioyntures, & dowers.

And by him, of those things whereof a woman may be endowed, she may haue ioynture, as of mines, ressuram terre, Woodes, Mines, ressuram terre, Colones, Isles, Meadows, and such like. Also of an aduowson, of a reversion dependding upon

ioynture, ne auer dower accordat al common ley, sinon que quant el port sa briefe de Dower, le defendat plede tiel plec que ne voile luy barer de sa dower, donques el serra endowe: Sicome il dit en barre, que sa baron ne fuit seise de tiel estate de que el doit este endow, ou aucun tiel plec, & ne monstre que el ad vn ioynture fait, &c. & pur ceo demande iudgement de cel action, ou iudgement si el serit auxy endow, ou aucun tiel semblable plec &c. Et c' fuit l'opinion de le droit worshipful Maistre Brograve, al son Lecture en Grayes Inne in Summer Añ 1567. 18. Eliza sur vn branch del statute fait Añ 27. H. 8. ca. 10. concernant Ioyntures & Dowers.

Et per luy, de ceux choses de que vn feme poit este endowe, el poit auer vn ioynture, come de ressuram terre, Woodes, Mines, ressuram terre, Colones, Isles, Meadows, & tiel semblable. Item dun aduowson, d'un reversion dependant sur

The Exposition of

vn estate pur vie, de vn an estate for life, of Windmill, vn hault chamber, a high Chamber, vn Rectorie, & tiels other, and they are called tenements. Item dun villeine, car il est hereditement. And of all these profitte may come to the man. But of those things wherof no profit wil come, but rather a charge, a tithing cannot be made.

L

228 Larceny.

Larceie, est vn torcious prisel des biens de vn autre home, mes nemy de son pson, oue vn ment de eux embleer, encoune son volunt que biens ils fueront.

Et Larceny est en deux sorts : lun issint appelle simplemēt, & lautre petit Larceie.

Le primer est, lou le chose emblee exceeda le value de xij. d. & ceo est Felonie.

Le aut (que est appelle petit Larceie) est lou le chose emblee, ne exceeda le value de xij. d. & c' n'est Felonie.

L

Theft.

Theft, is a wrongfull taking away of another mans goods, but not from his person, with a mind to steale them, against his will whose goods they were.

And Theft is in two sortes : the one so called simply, and the other petit or little Theft.

The first is, where the thing stolen exceedeth the value of xij. d. and that is Felonie.

The other (which is called little or petite theft) is where the thing stolen doeth not exceede the value of xij. d. and that is no felony.

289 Lastage.

Leasages

Leasage.

Leaseage, that is to bee
quite of a certaine cu-
some granted in faires &
markets for carrying of
things where a man will.

Leaseage, hoc est quietū
esse de quadam consue-
tudinē exacta in Nundinis
& Mercatis pro rebus ca-
riandis ubi homo vult.

Leases.

Leases.

Lease, bee graunts or
demises by one which
hath any estate in ante he-
ritaments, of those here-
ritaments to another for a
litter time, and they be in
diuers maners, that is to
say, for term of life, for term
of years, for terme of anni-
tyers life, and at will.

Lease, sont graunts ou
demises per vn que ad
alcun estat en heredita-
ments, de ceux heredita-
ments al qui pur meinder
temps, & ceo sont en di-
uers maners, cest a sauoir,
pur terme de vie, pur term
de ans, pur terme d'auter
vie, & a volunt.

Also a lease of land is as
good without deed as with
deed.

Auxy vn lease de terre
est auxy bon sans fait qd
per fait.

But in a lease for terme
of life, it behoueth to giue
liuerie and seisin vpon the
land, or else nothing shall
passe by the grant, because
that they bee called free-
holds.

Mes vn lease pur terme
de vie, il couient de doner
liuerie & seisin sur le terf,
ou auement riens passera
per le graunt, pur ceo que
ils sont appellez frankte-
nements.

Also a lease of a common
or rent, may not bee good
without deed.

Auxy vn leas de vn cō-
mon ou rent, ne poit esse
bone sans fait.

But of a Parsonage
which hath glebe, it is
good without deed, for that
that the glebe of the church
which is the principall,
may passe well ynough

Mes de vn Parso-
nage que ad glebe, il est
bone sans fait, pur ceo
que le glebe de le Ecl-
glise que est le princi-
pal, poit assers bien passer
sans

The Exposition of

sans fait, & issint les disms without deeds, and soles
& offerings que sont cōc dismes & offerings that
accessarie a l'Eglise. bee as necessary to the

Mes dismes & offerings. *Chapce.*
Soy, de payant este les- What dismes & offerings
les sans fait ve dicetur. by himsele may be had
without deed, as it is said.

291. Lessor & Lessee.

Lessor, est celuy que lessa Lessor, is hee that letteth
terres ou tenements al- lands or tenements to
aut par terme de vie, ans, an other for terms of life,
ou a volūte. Et celuy a que peeres, or at will: And he
le lease est fait, est appelle to whom the lease is made,
Lessee. is called Lessee.

292. Leuant & Couchant.

Leuant & Couchant, est Leuant & Couchant, is
dit, quant les beasts ou said, when the beasts
cattell dun estranger sont or cattell of a stranger are
venue en le terro dun au- come into an other mans
ter home, & la ont re- ground, and there have
maine vn certaine bonc remained a certain good
space de temps. space of time.

293. Ley.

Ley, est quant action de Ley, is when an action of
Debt est port vers vn debt is brought against
sur aucun secret agrement one upon some secret
ou contract ew. parenter greement or contract hat
les parties sans especialtie between the parties with-
monstre, ou autre matter out especialty sheweth, or
de record: come en vn other matter of record: as
action de Detinue pur al- in an action of Detinue
cun biens ou chattels ac- for some goods or cattels
cōmodz ou relinque oue lent or left with the defend-
le defendant, donques le ant, then the defendant
defendant poit gager son may wage his lafe, if he
ley, si volē, cessasc, de will, that is to say, to
swear

swear upon a book, and certain persons with him that hee betrayeth not the gods, or oweth nothing to the plaintife, in manner and forme as he hath declared.

And it is allowed onely in cases of secrecie, where the plaintife cannot prove the surmise of his suite by any deed, or open act: or the defendaunt might discharge it privately betwixt them, without any writing of acquitance, or publique act: And therefore in an action of debt upon a lease for terme of yeares, or upon arrerages of accompt before auditors assigned, a man shall not wage his law.

But when one shall wage his law, he shall bring with him vi. viij. or xij. of his neighbours, as the Court shall assigne him, to swear with him, much like unto the oath which they make which are used in the Civill Law, to purge others of any crime laid against them, which are called co-purgators.

Note that the offer to make the oath is called

inter sur vn Lieur, & certain persons oue luy que il ne detaine les biens, ou doit riens al plaintife en maner & forme ebe il ad declare.

Et cest allowe solement en cases de secrecie, ou le plaintife ne poir prou le surmise de son suit per aucun fait, ou ouvert actio le defendaunt poir cco discharge secretment perenrer eux sans aucun escript de acquitance, ou publicq act. Et pur cco en action de Debt sur vn lease pur terme dans, ou sur arrerages de accompt deuaune Auditors assigne, home ne gagera son ley.

Mes quant vn gager son ley, il amenera ouesq; luy 6. 8. ou 12. de ses vicines, com le Court luy assignera, de iurer ouesque luy, mult semb' al serement que eux seioient que sont vics en le Ciuill ley, de purger aus de aucun crime al eux impute, que sot appel co-purgators.

Nota que le offer de faire le serement est appel le gager del ley, & quane

R

il

The exposition of

il est accompli, donques it is accomplished, then is
est appel, le ficans del ley. it called, the doing of your
law.

Et auxy si le Vicount en And also if the Sheriffe
ascun action retourne que in any action retourne that
il eit summon le defendat he hath summoned the de-
de appeat en Court a al- fendat to appeare in court
cu iour a respod le plain- at any day, to answer the
tif, a quel iour il fait defalt plainte, at which day he
processe serra agarde vers maketh default, processi
luy de ven & saue, ou ex- shall be awarded against
cuse son default: que est a him to come & saue, or ex-
tant a dire, come purgare cuse his default: which is
moram, ou autrement de as much to say, as to ex-
perder le chose demaund: cuse the delay, or otherwile
Et donques le defendaunt to lose the thing deman-
vient & voit iuf que il ne ded: And then the defen-
fuit summō, que est appel dant cometh a will swear
gager de ley, donques il that hee was not summo-
doit c' faire al iour assigne ned, which is called wa-
oue xij. auters: Et en fe- ging of law, then he ought
sant del ley il doit sur son to doe it at the day assigned
serement affirmer direct- with xij. others: And in
ment al contrarie de ceo doing of his law, he ought
que est impure a luy, Mes vpon his oath to affirme
les auters ne dirra, mes directly the contrary of that
que eux entende que il dir which is imputed to him.
le veritie. But the others shall not
say, but that they thinke
that he saith the truth.

294 Libertate probanda.

Libertate probanda.

Libertate probanda, vid
de ceo en le titl' de Na-
tivo habendo.

Libertate probanda, to be
for that in the title of
Nativus habendo.

295 Li.

395 Limitation.

Limitation, is an assignement of a space of time, within which, he that shall sue for any lands or hereditaments, ought to prove that hee or his auncestors was seised of the thing demanded, or otherwise hee shall not maintaine his suit or action, which assignments be made by divers statutes, whereof the last was act 32. H. 8. cap. 1.

396 Liuerie of seisin.

Liuerie of seisin, is a ceremony used in conveyance of landes or tenements, where an estate in fee simple, fee taile, or a freehold shall passe: And it is a testimoniall of the willing departing by him who makes the Liuerie from the thing whereof Liuerie is made: And the receiving of the Liuerie is a willing acceptance by the other partie, of all that whereof the other hath dismissed himselfe: And was anciently as an open & notorious thing, by meanes whereof the common people might haue knowledge of the passing or alteration

Limitation.

Limitation, est vn assignement de space ou temps, deins quel, cesty que voile suer pur aucuns terres ou hereditaments, doit prouuer que il ou son auncestor fuit seisie del chose demande, ou autrement ne maintiendra son suite ou action, quel assignement sont faites per diuers statutes, darreinment per 32. H. 8. cap. 1.

Liuerie de seisin.

Liuerie de seisin, est vn ceremonie usee en conveyance de terres ou tenements, ou vn estat en fee simple, fee taile, ou vn franktenement passer: Et il est vn tesmoigne de le voluntarie departing per luy que fait le Liuerie del chose de que liuerie est fait: Et le receit del liuerie est vn voluntarie acceptance per le autre partie, de tout ceo de que auter ad luy dismissé. Et fuit inuent come vn ouert & notorius chose, per meanes de que le common people poyent auer intelligence de passing ou alteration

The Exposition of

de estates de hōe al hōm,
que p ceo ils poient estre
le meliour able pur trier ē.
que le droit & possession
de terres & tenements fu-
eront, ils doivent estre em-
panel & iures, ou auter-
ment ont a faire concer-
nant ceo.

Le common maner de
liuerie de seisin, est en cest
fort fait : Si il soit en le
ouert champ ou ne sont
edifices, ou mealon, don-
ques vn que poyt lyer,
prist le fait en son maine,
il leste passera per fait,
& declare al eux que la
font le cause de leur ve-
ner la ensemble, & don-
ques ouertment lya le
fait, ou declare le effect
de ceo en Englois, &
apres que il est seale, le
partie que est a depar-
ter oue le terre, prist le
fait en ses maines ensem-
ble ouelque vn clod del
terre, & vn twigge ou
bough, sil y ad aucun la,
& tout ceo il deliuer al
auter partie en le noime
de possession ou seisin,
accordant al iourne &
effect del fait, que de-

of estates from man to
man, that thereby they
might bee the better able
to try in whom the right
possession of lands and te-
nements were, if they
should bee impanelled in
juries, or otherwile have
to doe concerning the
same.

The common maner of
deliuerie of seisin, is after
this sozt done : If it be in
the open field where is no
building, or house, then
one that can reade, taketh
the writing in his hand,
if the estate shall passe by
deede, and declareth to the
standers by, the cause of
their meeting there toge-
ther &c. and then open-
ly readeth the deede, or decla-
reth the effect thereof in
English, and after that is
sealed, the partie who is to
depart from the ground, taketh
the deed in his hand
together with a clod of the
earth, and a twig of bough,
if any be there, and all
this hee deliuereth to the
other partie in the name of
possession or seisin, accord-
ing to the forme and effect
of the deede, which becometh

them was there read or vunt eux fuit la lye ou de-
 declared. But if there be- clare. Mes sil soit vn habi-
 a dwelling house or buil- tation ou edifie sur le
 ding upon the land, then terre, donques ceo est fait
 this is done there at the la a doore de ceo, nul
 house of the same, none be- estcant relinquis a cest
 ing left at that time with- temps deins le meason,
 in the house, and the party & le partie deliuer tout
 deliuereth at the alozelayd les auantddits ensemble
 together with the ring of ouesque le annell del
 the dooze in the name of doore en nosme de sei-
 seisin or possession, and hec sin ou possession, & il
 that receiveth the liuerie que receiva le liuerie en-
 ureth in first alone, and tra primes sole, & shut-
 putteth too the dooze, and ta le doore, & present-
 presently openeth it again, ment ouert ceo, & lessa
 and letteth them in &c. Il eux eins &c. Sil soit de
 be of a house whereto is vn meason a que est nul
 no land or ground, the li- terre, le liuerie est fait,
 uerie is made, and posses- & possession prise per le
 sion taken by the deliuerie deliuerie del annel de le
 of the ring of the dooze doore & fait solament.
 and deed only. And where Et ou il est sauns fait de
 of Lands or Tenements, Terres ou Tenements, la
 there the partie declareth le partie declare per pa-
 by word of mouth before rol deuaunt tesmoignes,
 witness, the estate that hec le estate ouesque il en-
 meaneth to depart with, tende de departir, & don-
 and then deliuereth seisin ques deliuer seisin ou pos-
 or possession in manner come session en manner come e
 as before said: and so the auantdit: & issint le terre
 land or tenement doth passe ou tenement passera ci-
 as well where there is no bien lou il nad fait, come
 deed, as by deed, & that by per fait, & ceo per force
 force of the lierie of seisin: de le liuerie de seisin:

The Exposition of

Il fait agree e Graies Inne
p le droit Worshipful ma-
ster Snagge, al son Lecture
la in Summer Anno 1574,
que si vn feoffour deliuer
le fait en view del terre, in
nosme de seisin, que il est
bone, pur ceo que il ad vn
possession en luy mesme.
Mes atersnt est don attor-
ney, car il doit aler al ter-
re, & prise possession luy
mesme, deuant que il poit
doner possession al autre,
accordant al parols de son
garrant &c. Et lou liuerie
de seisin est per le view, si
le feoffee ne entra pas pu-
is &c. nul chose passa, car
il doit enter in fait.

297 Lothervit.

L Otherwit, hoc est quod
capiatis emendas ab ip-
so qui corrumpit vestram
natiuam sine licentia ye-
stra.

M

298 Maïhim, ou Maime.

M Aïhim, est lou per le
corrious act d'aufer, al-
cun member est dampni-
fie ou tolle, per que le par-
tie issint dampnie est fait

It was agreed in Graies
Inne by the right Wor-
shipfull M^r. Snagge, at his
reading there in Summer
Anno 1574. that if a feo-
four deliuer the deede in
view of the land, in name
of seisin, that is good, be-
cause that he hath a posses-
sion in himselfe. But other-
wise it is of an Attorney,
for hee must go to the land,
and take possession himselfe,
before that he can giue pos-
session to another. according
to the wordes of his war-
rant &c. And where Liue-
rie of seisin is by view, if
the feoffee do not enter af-
ter &c. nothing passeth, for
he ought to enter in deed.

Lothervit.

L Otherwit, that is, that
you may take amends
of him which doth de-
poune bondswoman without
your licence.

M

Maïhim, or maime.

M Aïhim, is where by the
wroughtfull act of an-
other, any member is hurt
or taken away, whereby
the partie so hurt is made
imperfect.

imperfect to fight : **As** if
a bone be taken out of the
head : or a bone be broken
in any other part of the
bodie : or foote, or hand, or
finger, or ioint of a foote,
or any member bee cut :
or by some wound the sin-
nerves be made to shrinke,
or other member, or the
fingers made crooked, or
if any eye be put out, or the
upper teeth broken, or any o-
ther thing hurt in a mans
body, by meanes whereof
he is made the lesse able to
defend himselfe, or offend
his enemy.

imperfect a combat : Come
si vn osse soyt prise hors
del test: ou vn osse soit de-
bruse en asc' auf part del
corps, ou vn pec, ou main,
ou digit, ou ioint dun pec,
ou ascun member soit scy:
ou p asc' plage les nerues
sont fait de shrinker, ou
auf member, ou les digits
fait curue, ou si vn oile soit
mise hors, ou les anterior
dentes debruse, ou ascun
auf chose en le corps dun
hom, per reason de quel il
est fait le meines able pur
defender luy m, ou offend
son enemy.

But the cutting off of
an eare or nose, or break-
ing of the hinder teeth,
or such like, is no mayhem,
because it is rather a de-
bilitie of the bodie, then
diminishing of strength,
and that is commonly try-
ed by beholding the partie
by the Iustices. And if
the Iustices stande in
doubt whether the hurt
be a Mayhim or not, they
shall and will of their great
discretion take the helpe
and opinion of some skil-
full Surgeon, to consider

Mes le scier de vn orial,
ou nase, ou len friender
del dents moliers, ou tiels
semblables nest asc' May-
hem, pur c' que il est pluis
vn deformitie de le corps,
que vn defect del strength,
& ceo est communement
try per le inspection del
party per les Iustices. Et si
les Iustices sont en doubt
si le darñ soyt vn Mayhim
ou nemy, ils vse, & voy-
lent de leur grande dis-
cretion prender le ayde &
opinion de ascun erudite
Surgeon, pur consider

The exposition of

de ceo deuant que ils de-
termine sur le case.

299 Mainprise.

Mainprise, est quant vn
home est arrest p Ca-
pias, dōq; les Iudges poy-
ent deliū son corps a cer-
taine homes pur garder &
de luy amesner deuāt eux
a certain iour, & ceux sōt
appels mainpernors, & si
le pry ne appeare al iour
assigne, les mainpernours
seront amercie.

thereof befoze they deter-
mine vpon the case.

Mainprise.

Mainprise, is when a mā
is arrested by Capias,
then the Iudge may deli-
uer his body to certain mā-
for to keepe & to bring him
befoze them, at a certayne
day, and these bee called
mainpernors, & if the par-
ty appeare not at the day
assigned, the mainpernors
shall be amerced.

300 Mannour.

Mannour, est vn chose
compound de diuers
choses, come de vn mea-
son, terre errable, pasture,
pree, boys, rēt, aduowson,
Court baron, & tiel sem-
blables qux font vn ma-
nor. Et ceo doit estre p an-
cient cōtinuance de tēps,
cuius contrariū memoria
hominum non existat: car
a ceo iour vn mannour ne
poit estre fait pur c' que vn
Court baron ne poit estre
fait a ore, & vn manor ne
poit estre sauns vn Court
baron & suits ou frankte-
nants, deux al meines, car
si toutes les franktene-
ments forsq; vn elcheate

Mannour.

Mannour, is a thing
compounded of diuers
things, as of a house, land
errable, Pasture, Mea-
dow, wood, rent, aduow-
son, Court baron, and such
like, which make a manor:
And this ought to bee by
long continuance of time,
to t' cōtrary wherof man's
memorie cannot discerne:
for at this day a mannour
cannot be made, because
a Court baron, cannot
now be made, and a man-
nour cannot be without a
Court baron, and suiters
or freeholders, two at the
least, for if all the free-
holders except one elcheate

to the Lord, or if hee purchale all except one, there his manor is gone, for that it cannot be a manor without a court Baron (as is aforesaid.) And a Court Baron cannot bee holden but before suiters, and not before one suter, & therfore where but one freehold or freeholder is, there cannot be a manor properly, although in common speech it may be called a manor.

301 Manumission.

Manumission, is the making of a bondman to be a freeman, & may be in two sortes, the one is manumission expresse, the other a manumission implied or secret.

Manumission expresse is where the Lord maketh a bond to his villeine to enfranchise him by this word (Manumittere) which is as much to say, as to let one go out of another mans hands or power.

The maner of Manumitting or enfranchising in olde time most usually was thus: The Lord (in presence of his neighbours) take the bondman

al Sñr, ou sil pchase tous preter vn, la son manor e ale, p c' que il ne poit estre vn manor sauns vn Court Baron (come auantdit.) Et vn court Baron ne poit ee tenu mes deuant iufs, & nemy deuant vn suter, & ideo lou forsq; vn franktenemt ou franktenat est, la ne poit estre manor pperment coment en commo parlant ceo poit estre appel vn manor.

Manumission.

Manumission, est le fessans dun q est villein destre franke, & puit estre en deux sorts, le vn est vn mandmissio explicita, lautr vn manumission implicita.

Manumission explicita est quat le Sñr fait vn fait al son villein pur luy enfranchiser per cest parol (Manumittere) qd idem est qd extra manum, vel extra potestatem alterius poner.

Le maner de Manumitting ou enfranchising en temps passe plus usualment fuit issint: Le Seignieur (en presence de ses vicines) prist le villein por

The Exposition of

per le test disant, ieo voile
que cest home fait franke,
& oue cec il luy mise auât
hors de ses maines, & per
ceco il fuit franke sauns a-
cun pluis faire.

Manumission implicita
sans ce parol (Manumitte-
re) est quant le Sñr fait vn
obligation a son villeine a
payer a luy money al vn
certaine iour, ou luy sue
lou il poit enter sans suite
ou grant al son villein vn
annuitie, ou lessa terre a
luy p fait pur ans, ou pur
vic, & en diuers tiels sem-
blables cases, le villeine p
ceco est fait franke.

by the head, saying, I wol
that this man be free, and
therewith shewed him for-
ward out of his handes,
by this he was free with-
out moze a doe.

Manumission implicita
without this word (Ma-
numittere) is when the
Lord maketh an obligati-
on to his villeine to pay
him money at a certain
day, or sueth him where he
might enter without suit,
or graunteth vnto his vil-
lein an annuity, or leaseth
land to him by deede for
yeares, or for life, and in di-
uers such like cases, a vil-
leine thereby is made free.

302 Maximes.

Maximes.

Maximes sont les foun-
dations del ley, & les
conclusions de reason, &
sont causes efficient, &
certaine vniuersal propo-
sitions, cy sure & perfect
que ils ne poyent este a
ascun temps impeache ou
impugne, mes doyent
touts foits este obserue &
tenus come forr princi-
ples & authorities de
luy mesme, nicht obstant

Maximes be the founde-
tions of the Lawe, and
the conclusions of reason,
and are causes efficient,
and certaine vniuersal
propositions so sure and
perfect, that they may not
be at any time impeached,
or impugned, but ought
alwayes to be obserued
and holden as strong prin-
ciples and authorities
of themselves, although
they

303

MA
be
like
taken
dout
that
And
to be
dout
that
may

they cannot bee proued by force of argument or demonstration logicall, but are knowen by induction by the way of sence & memory; As for example, it is a Maxime, that if a man haue issue two sons by diuers women, and the one of them purchase lands in fee, & dieth without issue, the other brother shall neither be his heire &c.

Also it is an other Maxime, that lands shal descend from the father to the son, but not from the son to the father, for that is an ascension &c. And diuers like there be, wherof see moze in the Doctor and Student.

Item il est vn aut Maxime, que terres descendra del pere al fils, mes nemy del fils al pere, car ceo est vn ascension &c. Et diuers tielx seblables il y ad, dont veies plus en le Doctor a Student.

303

Maynour.

Maynour, is when a theefe hath stolen, and is followed with hue & cry and taken, having that found about him which he stole, that is called the maynour. And so wee commonly vse to say, when wee find one doing of an unlawfull act, that we take him with the maynour, or maner.

Maynour.

Maynour, est quant vn laron ad emblee, & est pursuee que hue & cry & prise, aiant c' troue ouesq; luy que il ad emblee, c' est appelle maynour. Et issint nous communement vse pur dire quant nous trouom^s vn faisant de vn illoyal act que nous luy prist ouesq; le maynour, ou maner.

304 Main-

The Exposition of

304 Maintenance.

MAintenance, est lou aſ-
can home done ou de-
liuer a vn auter que est
plaintife ou defendant en
aſcun action, aſcū ſumme
dargent, ou auter choſe p
maintenir ſon plee, ou
fait extreame labour pur
luy quant il nad riens a c'
faire, donques lautre par-
ty greuee auera vers luy
vn brieſe appelle brieſe
de Maintenance.

Maintenance.

MAintenance, is wher
any man giueth or de-
nereth to an other that is
plaintife or defendant in
any action, any ſum of mony
or other thing for to main-
tain his plea, or elle maketh
extreame labour for him
when hee hath nothing
therewith to doe, then the
party greued ſhall haue a
writ called a writ of Maintenance.

305 Meſne.

MESne, est lou le owner
del terres ou tenemens
ceux teign de vn per cer-
taine ſeruices, & il ceux
tenoit de vn auter per au-
tiels ou auter ſeruices, la
ceſtuy que tient les terres
est appell' tenā parauaile
& ceſtuy de que il reigne
est appelle Meſne, & ceſty
de que le Meſne tenoit est
appelle Seignior para-
mount. Et en ceſt caſe ſi le
Seignior paramount di-
ſtrain le tenant pur le ſer-
uice le Meſne que luy doit
acquiesce al Seignior para-
mount, donques le tenant
aue vn brieſe vers le Meſ-
ne, que ē appell' brieſe de

Meſne.

MESne, is wher the ow-
ner of landes or ten-
ementes holdeth of one by
certaine ſeruices, and he
holdeth them of an other by
like or other ſeruices, then
he which holdeth the lands
is called tenant parauaile,
and he of whom it is held,
is called Meſne, and hee of
whom the Meſne holdeth,
is called chiefe Lord. And
in this caſe if the Lord a-
boue diſtraineth the tenant
for the ſervice of the meſne,
which ought to acquit him
to the Lord aboue, then
the tenant ſhall haue a
writ againſt the Meſne,
which is called a writ of
Meſne

Mesne, and if he come not to acquit the tenant, then the Mesne shal lose the service of the tenant, & shalbe forfeindged of his seigniorie, & the tenant shall be tenant immediate to the chiefe Lord, and shall do the same service and suites as the Mesne did to the Lord.

Mesne, & s'il ne vient pur acquit le tenant, donques le Mesne perdra le service le tenant, & serra forfudged de son seigniorie, & le tenant serra rennant immediat al chiefe Seignior, & serra mesmes les services & suites cō le Mesne fist al Seignior.

306 Misprision.

Misprision, is when one knoweth that another hath committed Treason or felony, and wil not discover him to the King, or to the Councell, or to any Magistrate, but doth conceale the same. Divers other offences be called misprision: as when a Chapleine had fixed an old scale at a Patent, to a new Patent of Non-residence, and this was holden to be misprision of treason only, and no counterfeiting of the Kings scale.

Also if a man know money to be counterfeited, and bring the same out of Ireland hither into England, and utter it in payment, this is but Misprision

Misprision.

Misprision, est quant aucun sciet que vn auter ad fait Treason ou felony, & il ne voile luy discover al Roy, ou son Councell, ou a aucun Magistrate, eins conceala son offence. Divers autres offences sont appelle misprision: sicome vn Chapleine ad fixe vn ancient scale dun Patent, a vn nouvel Patent de Non-residence, & ceo fuit tenu desle Misprision de Treason tantum, & nul counterfeiter del scale del Roy.

Item, si vn auter sciet money desre faux, & port ceo hors de Ireland en Engleterre, & utter ceo en payment, ceo est forsque Misprision

The Exposition of

tion de Treason, & nemy Treason, & issint est en diuers tiels sēblable cases.

Et en tous cases de misprison de Treson, le partie offendor forfeitera ses biens a tous iours, & les profits de ses terres pur terme de son vie, & son corps al prison, al pleasure del Roy.

Et pur misprison de felony ou trespasse, le offendor serra commit al prison, tang; il ad troue suerties ou pledges pur son fine, que serra assesse p le discretion de les Iustices deuant que il suit conuict.

Et nota, que en chescun Treason ou Felonie, est include misprison, & lou aucun ad fait Treason ou Felonie, le Roy poit causer luy destre endiste & arraigne forsque de misprison solement si il voile. Vide plus de ceo Stamford, lib. 1.

307 Monstrance de faits ou Records.

Monstrance de faits, ou Records, est, sicōe pur example, yn action de Det

tion of Treason, and nemy Treason, and so it is in diuers such like cases.

And in all cases of misprison of Treason, the partie offendor shall forfeit his goods for ever, and the profits of his landes for term of his life, & his body to prison at the kings pleasure.

And for misprison of felony or trespasse, the offendor shall bee committed to prison, untill hee hath found suerties or pledges for his fine, which shall be assessed by the discretion of the Iustices before whom he was conuict.

And note, that in euery Treason or felony, is included misprison, & where any hath committed Treason or Felonie, the R. may cause the same to be indicted and arraigned but of misprison onely if he will. See moze hereof Stamford lib. 1.

Shewing of deedes or Records.

Shewing of deedes, or Records, is, as if for example, an action of debt

be brought against one upon an obligation by one, or by executors, &c. there after that the plaintife hath declared, hee ought to shewe his obligation, & the executor the testament to the court, & so it is of records.

And the diuersitie becometh shewing of deedes or records, and hearing of deedes or records, is thus, he that pleads the deed or record, or declares upon it, to him it both appertaine to shewe the same. And the other against whom such deed or record is pleaded, or declared, & is thereby to be charged, may demand hearing of the same deed, or record, which his aduersarie bringeth, or pleadeth against him.

304 Mordauncestre.

Mordauncestre, Look for that belongeth in the title Cofinage.

309 Monstrauerunt.

Monstrauerunt, is a writ and it lyeth for the tenants in ancient demesne, and is directed vnto the Lord, him commanding that he distrain not his tenants for to do other service

soit port enuers vn sur vn obligation p vn ou p executors &c. la apres que le plaintif ad declare, il doit monstre son obligation, & le executor le testament al Court, & issint est de Records.

Et le diuersite perent monstrece de fait ou records, & oier de fait ou records, est issint, il que plede le fait ou record, ou declat sur ceo, a luy il appertaine de monstre ceo. Et l'auter vers que tiel fait ou record est plede ou declare, & est per ceo destre charge, poit demandier de ceo fait ou record, que son aduersarie port, ou pleade vers luy.

Mordauncestre.

Mordauncestre, vide de ceo deuant en le title Cofinage.

Monstrauerunt.

Monstrauerunt, est vn briefe, & gist pur le tenant en ancient demesne, & est direct al Seignour, luy commandant que il ne distraine son tenant pur faire aut service que

The Exposition of

que faire ne duisoit, & ils
poyent auer cest bfe direct
al vicount, q'il ne suffer le
Sñr a distraire les dics te-
nants pur faire auter ser-
uice.

Auxy si les tenants ne
poient este en quier, ils
poient auer vn Attachm̃t
vers le Seignior dappear
deuāt les iustices, & tous
les noīmes des tenāts ser-
ront mise en le bfe, comē
que forsq; vn de eux soit
greiū solēnt.

Auxy si ascun terre en
auancient demesne soit en
variance ent les tenants,
donques le tēnant issint
greue auera vers auter
briese quod vocatur Droit
close secundum consuetu-
dinem manerij, & ceo ser-
ra tous foits port en le
court le Sñr, & sur ceo il
countera en le nature de
quel bfe il voit, comē son
case gift & cest bfe ne serā
remoue sinon pur grand
cause ou non power de le
Court.

Auxy si le Seignior en
auter lieu hors de aunci-
ent demesne distraine son
tenant de fait aut seruice

that he ought not to do, and
they may haue this writ
directed to the Sherif, that
hee suffer not the Lord to
distraine the said tenants
for to doe other seruice.

Also if the tenants can-
not be in quiet, they may
haue an Attachment a-
gainst the Lord to appeare
before the Justices, and
all the names of the tenants
shall be put in that writ,
though but one of them be
griued onely.

Also if any lands in an-
cient demesne bee in vari-
ance between the tenants,
then the tenant so griued
shal haue against the other
a writ which is called a
Right close after the custom
of the manor, and that shal
bee alway brought in the
Lord's court, and thereaf-
ter on he shal declare in the na-
ture of what writ he will,
as his case lyeth, and that
writ shall not be remoued,
but for a great cause, or
power of the Court.

Also if the Lord in an-
other place out of aunci-
ent demesne distraine his
tenant to doe other seruice
then

then he ought, he shal haue que il ne doit, il auera bre
a writ of right, called Ne de droit, appelle Ne in-
iuste vexes, and it is a iuste vexes, & cest vn bre
writ of right patent which de droit patent que serra
shall be tried by battell or tric per battell ou graund
graund assise. assise.

310 Mortgage, or Mor- Mortgage ou Morgage.
gage.

Mortgage, or Morgage **M**ortgage, ou Morgage
is when a man maketh est quant vn fait vn
a feoffment to another feoffement a vn auter sur
such condition, that if tiel condition, que si le
the feoffor pay to the feof- feoffour paya al feoffee a
fer at a certaine day xl. li. certain iour xl. li. d'argent,
of money, that then the que a donques le feoffour
feoffor may recouer ec. in poyt recouer &c. en eco
the case the feoffee is cal- case le feoffee est appel-
led tenant in Mortgage. tant en Morgage. Er si
as a man may make come vn home poit faire
a feoffment in fee in mor- feoffemēt en fee en mor-
gage, so hee may make a gage, issint il poyt faire
one in taile, or a lease for done en taile, ou lease
time of life, or for terme pur terme de vic, ou pur
of yeares in Mortgage. terme dans en Morgage.
And it seemeth that the Er il semble que la cause
cause why it is called pur que il est appel Mort-
Mortgage, is for that it gage, est pur ceo que il
seemeth in doubt, whe- estoit en aweroust, si le
ther the feoffor will pay feoffour voyle payer al
the money at the day ap- iour limite le argent ou
pointed or not, and if hee non, & si il ne paya
wile to pay, then the land pas, donques le terre
shall be laid in gage upon que il mist en gage sur
condition of payment of condition de payment de
money, is gone from him le money, est ale de luy

The exposition of

a tous iours, & issint mort
a luy sur condition: mes si
il paya le mony, donques
est le gage mort quāt a le
renaunt, cestascavoir, le
feoffee, & pur cest cause il
est appel en latin, Mortu-
um vadum, come Maister
Lirtleton dit, ou Mortuum
vas, come ico pense.

Auxy si feoffement soit
fait en Morgage sur con-
dition, que si le feoffour
paya tiel somme a tiel
iour &c. & le feoffor mo-
rust deuant le iour, vn-
cof si heire le feoffor paia
mesme le somme a mesme
le iour al feoffee, & le
feoffee c' refusa, donques
le heire le feoffor poit en-
ter: Mes en tiel case, si ne
soit aucun iour de paiement
expresse, donques tiel ten-
der del heire est voyde,
pur ceo que quant le feof-
for morust, le temps del
tender est passe, ou auter-
ment les heires le feoffor
aueront temps del tender
a tous iours, que serra
inconueniēt, que vn aue-
ra vn fee simple a luy & a
ses heires que serra defo-
sible tous foirs a le plea-
sure & volunt de auters,

soz ener, and so dead to him
vpon condition: but if he
pay the money, then is the
gage dead as to the tenant,
that is to say, the feoffee,
and for this cause it is cal-
led in Latin, Mortuum va-
dum, as Maister Lirtleton
sayth, or rather Mortuum
vas, as I thinke.

Also if a feoffement be
made in Mortgage vpon
condition, that if the feoffor
pay such a summe at such
a day, &c. and the feoffor
die before the day, yet if
the heire of the feoffor pay
the same sum at the same
day to the feoffee, and the
feoffee refuseth it, then the
heire of the feoffor may en-
ter: But in such a case, if
there be no day of payment
expressed, then such tender
of the heire is voyde, for
that that when the feoffor
dyeth, the time of tender is
past, or otherwise the heires
of the feoffor shall haue
time of the tender for ever,
which shall bee inconueni-
ent, that one shall haue a
fee simple to him and to
his heires which shall bee
describable alwayes as the
pleasure and will of others,
but

but in þe first case the time
of tender was not expyred
by the death of the feoffor,

mes en le primer case le
temps del tend ne fuit ex-
presse p la mort le feoffor

Morderata miseri-
cordia.

Morderata miseri-
cordia.

MOrderata misericordia,
is a writ, and it lyeth
where a man is amerced
in court Baron, or Coun-
ty, moze then hee ought to
be, then he shall haue this
writ directed to the Sher-
iffe if it be in the County,
or to the Bayliffe if it be in
the Count Baron, com-
manding them that they a-
merce him not, but having
regard to the quantitie of
his trespasse, and if they do
not upon this writ, then
he shall go forth against them
Sicut alias, and Causam
nobis significes, and after
that an Attachment.

MOrderata misericord,
est vn brief, & gift lou
hom est amercie en court
Baron, ou Countie, plus
que deuer este, doques il
auera cest brieve direct al
Vicomte si soit en le Coun-
tie, ou al Bayliffe si soit en
Court Baron, eux com-
mandant que ils ne luy a-
merciont, mes eyent re-
gard al quantitie del tres-
pas, & s'ils ne font sur cel
brieve, donques issira vers
eux vn Sicut alias, & Cau-
sam nobis significes, & a-
pres ceo vn Attachment.

Mortmaine.

Mortmaine.

Mortmaine, is where
Lands are given to a
house of Religion, or to an
other company which bee
incorporat by the K. grant
when the land is come into
Mortmaine, that is to say
in English, a dead hand, &
then the king, or the Lord
of whom the land is hol-

Mortmaine, est lou tres
sont dones a vn mea-
son de Religio, ou a vn au-
ter company q sont cor-
porate p le grant le Roy,
donque cest terf est deue-
nus en Mortmaine, cest
adire en Angloys a dead
hand, & donque le Roy ou
le Sür de q le terre est co-

The exposition of

nus poit enter, come ap-
piert en lestatute de Reli-
giosis, ideo vide lestatute.
Auxy si vn fait feoffement
sur confidence a certaine
psons al oeps de vn mea-
son de Religion, ou al
oeps de ascun gild ou fra-
ternitie corporat, dōques
il serra dit Mortmaine, &
il encourage mesm le pain,
vt patet per lestatute Ann
15.R.2.

dens may enter, as it ap-
peareth by the Statute de
Religiosis, theretofore for the
statute. Also if one make
a feoffement upon trust to
certaine persons to the vse
of a house of Religion, or
to the vse of any gild, or
fraternitie corporate, then
it shall be said Mortmaine,
and then he shall run in the
same paine, as it appeareth
by the Stat 15.R.2.

313 Mulier.

Mulier, est vn paroll vse
en nostre ley, mes com
apptment, ico ne poy dire
ne scay bien: Car accor-
dant al prop significatiō,
Mulier est femina corrup-
ta, sicome il est vse per Vi-
pianus, en vn certaine lieu
en tiel man, Quod si ego
me virginem emere puta-
rem cum esset mulier, em-
ptio non valebit. Per ceo
poies veier, que Mulier est
vn feme q. ad ew le com-
pany dun hom: Mes a re-
linquisher le droit signifi-
cation, Mulier est prise
en nostre ley, pur vn que
est loyalmēt engender &
nee, & est tousiours vse en
comparison ouesq; vn ba-

Mulier.

Mulier, is a word used in
our law, but how ap-
poyntment, I cannot well learne: for
according to the proper
signification, Mulier is a
defiled woman, like as it
is used by Vlpianus in a
certaine place after this
sort, If I thought that I
had bought a virgin, when
she was a defiled woman,
the bargain was not good.
Whereby you may see, that
Mulier is a woman that
hath had the companye of a
man. But to leaue the right
signification, Mulier is to-
ken in our Law for one
that is lawfully begotten
& borne: and is alwaies used
in comparison with a be-
stard

ward, enely to heho a difference betweene them, as thus for example. *I man and a sonne of a woman before marriage, that is called a bastard, and his wife shall. And after hee marryeth the mother of the bastard, and they haue another sonne, this seconde sonne is called Mulier, that is to say, lawfull, and shall heire to his father: but the other cannot bee heire to any man, becaute it is unknowne nor certain in the iudgement of the law who was his father, and in that cause is said to be a mans sonne, as the son of the people, and so without father, according to these old verses.*

To whome the people father is: to him is father none at all.

To whome the people father is, well fatherlesse he may him call.

And asmaies you shall haue this addition to them (Bastard eldest, and Bastard yongest) when they bee compared together.

stard, solement par monstres vn difference perentier eux, come pur exemple. *Vn home ad vn fils per vn feme deuant mariage, c'est issue est appel vn Bastard, & illoial. Et apres il marry oue le mior del bastard, & ont vn auter fils, cest second fils est appel Mulier, cest adire loiall, & serra heire a son pier: mes le auter ne poit este heire al ascun home, pur ceo que il nest conus ne certaine e le iudgement delley que fuit son pier, & pur cest cause est dit, destre nullius filius, ou filius populi, & issint sans pier, accordant al cestuy viele verses.*

Cui pater est populus, pater est sibi nullus & omnino.

Cui pater est populus, non habet ipse patrem.

Et tous foits vous troueres cest addition al eux (Bastard eigne, & Mulier phaine) quant ils sont compare ensemble.

The Exposition of

314 Murder.

MVrder, est vn voluntarie occider dun home sur malice prepenſe, & ſembl' deuener de le Sax on parol Mordren, que iſ ſint ſigniſie. Et Mordridus eſt le Murderer tanque al ceſt iour ent euz in Saxony, de que nous auomus mults de noſtre parolx, come ad eſtre ſouent dit. Ou poit eſtre deriue de Mort & dire, quaſi mors dira. Vide Stamf. Pleeſ del Corone lib. 1.

N

315 Natiuo habendo.

Natiuo habendo, eſt vn briefe, & giſt lou le vil lein ou nieſe dun Seignior eſt ale de luy, d'oques le Seignior auera ceſt bre direct al vicor, que il face le ſnr auer ſon villeine ou nieſe pueſq; routs les cha teux.

Auxy in ceſt brief plu ſors villeins ou nieſes ne purrort eſte demades que deuz, mes auxy rants des villeines ou nieſes q; voiler, iointunt poient porter bre de Libertate probanda,

Murder.

MVrder, is a wilful kil ling of a man vpon me lice ſozethought, and ſom meth to come of the Sax word Mordren, which ſignifieth. And Mordridus is the Murderer euen till this day among them in Saxony, from whence wee haue moſt of our wordes, as hath bin often ſaid. Or it may bee deriued of Mort and dire, as Mors dira. See Stamf. Pleeſ of the Crowne lib. 1.

N

Natiuo habendo.

Natiuo habendo, is a ſort, and it lieth where the billen or nieſe of the Lord is gone from him, then the Lord ſhall haue this ſort directed to the ſheriffe, that he make the Lord to haue his billen or nieſe ſouth all his goods.

Also in this ſort may villeines or nieſes may not be demanded then ſhoalt, but as many villeines or nieſes as ſhall, ſo many may haue a ſort de Libertate probanda.

Also if a villeine or niese bring his **sozt** De libertate probanda, befoze that the lord bring his **sozt**, then the villeins plaintife shalbe in peace till the coming of the Iustices, or else his **sozt** shall not helpe him.

Also if a villeine hene married in an auncient demour one peare and a day without claime of the lord, then he cannot seise him in the said franchise.

Ne admittas.

NE admittas, is a sozt directed to the Bishop at the suit of one which is patron of any Church, and is doubted that the Bishop will collate one his clerke, or admit another Clerke presented by another man to the same benefice: then he that doubteth it shall have this **sozt** to forbid the Bishop to collate or admit any to that Church.

Auxy si vn niese port bfe De libertate probanda auant que le S^r port cest briefe, donques le villeine pl' ou niese serra en peace iefque al venue des Iustices ou auterment son bfe ne luy aydera.

Auxy si vn villeine ad demurre en auncient demesn' per vn an & vn iour sans claime del Seignior, donques il ne poit luy seiser deins le dit franchise.

Ne admittas.

NE admittas, est vn bfe direct al Euesq; al suit de vn que est patr^o de ascun Eglise, & il doubra q Leuesque voit collate vn son Clerke, ou admit vn auter Clerke present per auf home al dit benefice: donques il que c' doubra auera cest brief de inhibiter le Vicount de collater ou admit ascun a son Eglise.

317 Non omittas propter libertatem.

NON omittas propter libertatem, is a sozt, and lieth where the wheril returneth upon a sozt to him directed, that he hath

Non omittas propter libertatem.

NON omittas propter libertatem, est vn bfe, & gist lou le Vicount retourne sur briefe a luy direct, que il ad

The Exposition of

maund al Bailiffe de tiel sent to the Wapite of such franchise que auer return a franchise which hath redes briefes, & il nad seruie turne of writs, and he hath le brief, donques le plain- not serued the writ, then tise auera cest briefe di- the plaintife shall haue the rect al Vicont, que il luy writ directed to the Sher- mesme enter en le fran- rife, that hee himselfe entre chise & execute le briefe into the franchise and ex- Roy. ecute the kings writ.

Auxy le Vicont garne- Also the Sherife shall ra le Bailife que il soit de- sworne the wapite that he uuant les Iustices al iour be before the Iustices in contenu en le briefe, & day contained in writ, & fil ne vient & luy acquite, and if he come not, & execute donques tous les briefes himselfe, then all the writs iudicialles que passeront iudicialls which shall passe hors del Court le roy du- out of the kings Court rant messin le plee, seront during the same plee, shall briefs De non omittas &c. be writs De non omittas &c. le Vicount fers execution &c. and the Sherife shall de eux pendant cel plee. make execution of them hanging that plee.

318 Negatiua pregnans.

Negatiua pregnans.

Negatiua pregnans, est quauant vn action ou information, ou tiel sem- blable sure est port enuers vn, & le defendaunt plede en barre del action, ou autrement vn negatiue plee, que nest cy speciall answer al action, mes que il enclude auxy vn affirmatiue: Come par

Negatiua pregnans, is when an action or information, or such like is brought against one, and the defendant pleadeth in barre of the action, or otherwise a negative plee, which is not so speciall answers to the action, but that it includeth also an affirmatiue: As for

example : If in a writ
of Entre en casu prouiso,
brought by him in the re-
uerſion upon alienation by
the tenant for life, ſuppo-
ſing that hee hath aliened
in fee (which is a forſey-
ſure of his eſtate) and the
tenet to the writ ſaith that
he hath not aliened in fee,
this is a negative, where-
in is included an affirma-
tion : for although it bee
true, that he hath not alie-
ned in fee, yet it may bee
that he hath made an eſtate
in taile (which is alſo a for-
ſeyſure) and then the entry
of him in the reuerſion is
lawfull &c.

Also in a Quare impedit,
the King makes title to
preſent to a Prebend, for
that the Temporalities of
the Biſhopricke were in
his hands by the death of
the late Biſhop &c. The
defendant ſayeth that it
was not boyde being the
temporalities in the Kings
hands by the death of W.
this is a Negative preg-
nans, for it may bee in
the Kings hands other-
wiſe than by the death
of W. and it ſufficeth

example: Si en brieſe de
Entre en casu prouiso, port
per ceſtuy en le reuerſion
ſur alienation p le tenant
pur vie, ſuppoſant que il
ad alien en fee (que eſt vn
forſeytur de ſon eſtate) &
le tenant al bre dit, que
il nad alien en fee, ceſt vn
negative, en que eſt en-
clude vn affirmative : car
nient obſtant il ſoit veray
q il nad alien en fee, vo-
core il poit eſtre que il ad
fait vn eſtate en taile (le
quel eſt auxy vn forſey-
ture) & donques le entree
de celuy en le reuerſio eſt
loyal, &c.

Item en vn Quare im-
pedit, le Roy ſist title de
preſenter a vn Prebend,
ratione que les temporal-
ties de leueſcherie fue-
ront en ſa maines per le
mort de W. nuy Epiſcop
&c. Le defendaut dit
que ne voida pas eſteants
les temporalities en les
maines del Roy per le
mort de W. ceſt vn Nega-
tiue preignans, car il poit
eſſe en les maines del Roy
auterment que per le
mort de W. & il ſuffiſt
al

The Exposition of

Al Roy si soit en sa maines
 &c.

Il s'ent est lou vn Infor-
 mation fuit port en Scac-
 cario vers I. S. pur ceo que
 il achate laines perenter
 shering temps & Assump-
 tion tali anno de I. N. Le
 defendant dit quod non
 emit de I. N. come il est
 alleage &c. ceo est appelle
 vn Negative preignans,
 car fil ceo achate de auter,
 vncore il est culpable pur
 lo achater.

319 Ne iniuste vexes.

NE iniuste vexes, Vide
 de ceo deuaunt titulo
 Monstrauerunt.

320 Niese.

Niese, est vn feme que
 est bonde, ou vn vil-
 leine feme, mes si el ma-
 rie vn franke home, el est
 per ceo fait franke, pur
 ceo que el & sa baron
 sont forsque vn person
 en ley, & el couient estre
 de mesme le nature &
 condition en ley a tous
 entents come sa baron.
 Mes sa baron est franke a
 tous entents sauns aucun
 condition en ley, on au-
 riment: & issint per con-
 sequens, lo feme couient

the R. if he be in his handes
 by any meanes, &c.

So it is where an In-
 formation was brought in
 the Exchequer against J.
 S. for that he bought land
 betwene shering time and
 the assumption such a year
 of J. N. The defendant
 saith that he did not buy
 any of J. N. as it is al-
 leged &c. this is called a ne-
 gative preignans, for if he
 bought it of any other, yet
 he is culpable for buying.

Ne iniuste vexes.

NE iniuste vexes, Looke
 therfore befoze in the
 title Monstrauerunt.

Niese.

Niese, is a woman that
 is bond, or a villeine
 woman, but if shee mar-
 rie a free man, shee is
 thereby made free, be-
 cause that she and her hus-
 band are but one person
 in laue, and shee ought
 to bee of the same nature
 and condition in laue to
 all intents that her hus-
 band is. But her husband
 is free to all intents with-
 out any condition in laue,
 or otherwise: and so by
 consequens the wife ought

to be, and is free accordyng estre, & est frank accordat
to the nature of her free al nature de son frank ba-
husband, & then if she were ron, & dōques si el soit vn
free & clerely discharged foits frank & cleerement
of bondage to all in- discharge de villenage a
tents, shee cannot bee niese tous entents, el ne poit
after without especiall acte estre niese apres sans espe-
ment by her, as diuorce, or cial act fait per luy, come
confession in Court of Re- diuorce, ou counsans en
cord, & that is in fauour of Court de Record, & ceo
liberty, and therefore a free est en fauour de libertie, &
woman shall not be bound pur ceo vn frank feme ne
by taking of a villein to her serra villein per prisel del
husband: But their issue villeine a sa boron: Mes
shall be villeines as their leur issue serra villeines
father was, which is con- come leur pere serra, que
trary to the ciuill Law, for contrary a le Ley ciuil, car
there it is said, The birth la est dit, Partus sequitur
followeth the belly. ventrem.

Bondage or Villenage Bondage ou Villenage
has beginning among the ad son commencement
Hebrewes, & his originall enter les Hebrewes, & son
proceeding of Chanaan the originall proceeding de
son of Cham, who because Chanaan le fils de Cham,
that he had mocked his fa- que pur ceo que il auoit
ther Noe to scorn, lying derise son pere Noe gisant
absolutely when he was dissolument quāt il fuit
drunk, was punished in his ebrie, fait puny in son fils
son Chanaan with penals Chanaan ouesq; penaly
of bondage. de bondage.

321 Nihil dicit.

Nihil dicit.

Nihil dicit, is when an Nihil dicit, est quant vn
action is brought in action est port enuers
against a man, and the def- vn home, & le defen-
dant appears, the plain- dant appare, le plain-
tiff declares, and the defen- tiff declare, & le defen-
dant

The Exposition of

dant ne veïle responder,
ou plede al action, & ne
mainteine son plee, mes
fait default, ore sur cest
default, il serra condemne
quia nihil dicit.

dant will not answer, or
pleads to the action, & both
not mainteine his plee, but
makes default, now upon
this default he shalbe con-
demned, because hee saith
nothing.

322 Nisi prius.

Nisi prius.

Nisi prius, est vn br iudi-
cial, & gist quâr lenqst
est impanell' & retourne
deuât les Iustices in bank,
donques le pl' ou def. poit
suer cest briefe direct al
vicont, luy commandant
que il face venir la En-
quest deuaunt les Iustices
en in le county a lour ven-
ner la destre determine, &
ceo pur easement del En-
quest.

Nisi prius, is a writ iudici-
all, & lieth when an En-
quest is impanelled & retou-
ned before the Iustices in
the bench, then the plaintiff
or def. may haue this writ
directed to the sherife, him
commanding that he cause
the Enquest to come before
the Iustices in the same
county, at their coming to
be determined, and that for
the easing of the Enquest.

323 Nomination.

Nomination.

Nomination, est lou vn
poit e droit de son ma-
ner, ou autrement, nomi-
nate & appoint vn able
clerke ou home al vn par-
sonage, vicarage, ou tiel
spirituall promotion, Et
nota que cest nomination
doit estre al aucter que lor-
dinary, que aucter luy pre-
sentera al Ordinary.

Nomination, is wher one
may in right of his ma-
ner, or other wise, nominate
& appoint a worthy clerke,
or man to a parsonage, vi-
carage, or such like spiritu-
all promotion. And note
that this nomination ought
to be to another then the or-
dinary, which other shal
present him to the ordinary.

Nonabilitie.

Nonabilitie, is where an action is brought against one, & the defendant saith that the plaintiff is not able to sue an action, & demoundeth iudgement if he shalbe answered. There are fixe causes of Nonabilitie in the plaintiff, as if he be an outlaw, or an alien borne (but that dysabilitie is in actions reals & mixt only, and not in actions personals, except he be an alien enemy) or condemned in Præmunire, or pprofessed into an Abbey, priorie, or friery, or excommunicat, or a billeteine, and smeth his Lord: but this last is no ple for another that is not Lord to the billeteine. See mochercof in Littl' lib. 2. cap. 11.

Nonabilitie.

Nonabilitie, est lou vn action est port vers vn, & le defendant dit que le plaintiff est non able de suer aucun action, & demande iudgement sil serf responde. Il y ad vi. causes de Nonability en le plaintiff, cōc fil soit vilage, ou vn alien nes (mes cō dysabilitie est en actions reals & mixt seulement, & non en actions psonals, sinon que il soit vn alie enemy) ou condemne en Præmunire, ou pfeffe en vn Abbey, Priorie, ou Frierie, ou excommenge, ou vn vilcaine, & sue son Seignior: mes cest darrein n'est plet pur auter que n'est Seignior al vilcaine. Vide plus de ceo Littlel' lib. 2. cap. 11.

Bare or naked Contract.

Bare Contract, or naked promise, is where a man bargaineth or selleth his lands, or goods, or promisseth to give to one money, or a horse, or to build a house, or doe such a thing at such a day, and there is

Nude Contract.

Nude Contract, ou nude promise, est lou vn home bargain ou vende ses terres, ou biens, ou promise pur doñ al autr money, ou vn chival, ou a edifier vn meason, ou faire tiel chose a tiel iour, & la est nul

The Exposition of

nul recompence appoint a luy pur le faire de cec: Come si vn dit al aut, leo vend ou don a vous tous mes terres ou biens, & la est nul chose appoint, assigne, ou agree que l'auter donec, ou payera pur eco, insint que il nad quid pro quo, cest vn nude contract, & voidé en ley, & per non performance de eco nul action gift, car, Ex nudo pacto non oritur actio.

no recompence appointed to him for the doing thereof: Thus one say to another, I sell or give to you all my lands or goods, and there is nothing appointed, assigned, or agreed by or to what the other shall give or pay for it, so that there is not one thing for another, this is a naked contract, and void in law, and for non performance thereof no action lyeth, for of a naked contract cometh no action.

316 **Nuisance.**

Nuisance, est lou ascun home leue asc' mure, ou eschappe ascun ewe, ou fait ascun chose sur son terre demesne annoyance son prochein, cestuy que est greue auera ent vn brieve appel Assise de Nuisance. Auxy si il que fist le nuisance alien la terf a vn auter, donques cest brieve sera port cauers ambideux, come appiert per le Statute Westm 2. ca. 24.

Nuisance.

Nuisance, is where any man leueth any wall, or stoppeth any water, or doth any thing upon his owne ground, to the unlawfull hurt and annoyance of his neighbour, he that is grievued may haue thereof an Assise of Nuisance. And if he that make the nuisance alien the land to another, then this writ shall be brought against them both, as it appeareth by the Statute Westm 2. cap. 24.

317 **Nuper obiit.**

Nuper obiit, est vn brieve, & gift lou vn ad plusieurs heires, cestascavoir,

Nuper obiit.

Nuper obiit, is a writ, & it lyeth where one hath many heires, that is to say,

many

many daughters, or many
sones, if it be in Gavel-
kind in Kent, and dyeth
seised, and one heir entreteth
into all the land, then the
other that he holdeth out,
that haue this writt against
the coheire that is in. But
a writt of Racionabili parte
hath in such case where
the ancestoz was once sei-
sed, & died not seised of the
possession, but in reuerſion.

plusors files, ou plusors
fices, sil soit en Gavelkind
en Kent, & deuie seise, &
vn heire entra en tout la
terre, donques les autres
que sont tenus de hors, a-
ueront cest briefe vers le
coheire que est deins. Mes
briefe de Racionabili pre
gist en tiel case ou launce-
stour fuit vn foits seise, &
ne morust seise de posses-
sion, mes del reuerſion.



328 Oredelfe.

○Redelfe, is where one
claims to haue the Ore
that is found in the soyle
or ground.

329 Outfangthiefe.

○Vifangthiefe, that is,
that theues or felons
el pour land, or see, out of
your land, or see, taken
with Felonie or stealing,
shall be brought backe to
your court, & there iudged.

330 Oweltie.

○Weltie, is when there
is Lord, Mesne, and
tenant, and the tenant hol-
deth of the Mesne by the
same service that the
Mesne holdeth ouer of the

Oredelfe.

○Redelfe, est lou vn
clame de auer le Ore
que est troue en son soyle
ou terre.

Outfangthiete.

○Vifangthiefe, hoc est
quod latrones de terra
vestra, vel feodo vestro,
extra terrā vestrā, vel feo-
dum vestrū capti cū latro-
cinio, ad curiā vestrā reuer-
tant, & ibid iudicentur.

Oweltie.

○Weltie, est quant il y
ad Seignieur, Mesne,
& ternaunt, & le ternaunt
tient del Mesne per mes-
me les seruices que le
Mesne tient ouster de le
Seig-

The Exposition of

Seigneur paramount : come **Lord above him.** By it the
 si le tenat tient del Mesne **tenant hold of the Mesne**
 per homage, fealtie, & **by homage, fealtie, and**
 xx.s. de rent annuelment, **xx.s. of rent percel, and the**
 & le mesne tient ouster de **Mesne holdeth ouer of the**
 le Seignior paramount p **Lord above by homage,**
 homage, fealtie, & xx. s. **fealty, and xx. s. rent alle,**
 rent auxy, cest est appelle **this is called Oweltis of**
Oweltie de seruices. **seruices.**

331 Oier de Records & Fautes &c.

Hearing of Recordes and Deeds, &c.

Oier de records & faits,
 est, sicome pur exam-
 ple : vn action de det soit
 port enuers vn home sur
 vn obligation, & le defen-
 dant apparee al action, &
 donques prie que il poit
 oier le obligation oues-
 que que le plaintif charge
 luy.

Hearing of Recordes and
 deedes, is ag for exam-
 ple : an action of debt be
 brought against a man
 vpon an obligation, and the
 defendant appeares to the
 action, and then prayeth
 that he may heare the obli-
 gation wherewith the plain-
 tife chargeth him.

Issint est quant execu-
 tors port vn actio de det,
 & le defendant demaund
 oier del Testament, sur
 cest demaund il serra lye
 al defendant : Mes si soit
 en vn autre terme, ou a
 pres que le defendant ad
 imparle, donques il na-
 uera le oier. Et issint cõe
 est dit de Fautes, est de se
 entende de Records que
 sont alleage enuers luy.
Veies le title Monstrance
de faits.

So it is when an ex-
 cutors bring an action of
 debt, and the defendant de-
 mandeth to heare the testa-
 ment, vpon this demand
 it shall be read vnto the de-
 fendant : But if it be in an
 other terme, or after that
 the def hath imparled, then
 he shall not heare it. And
 so as is said of Deeds, is
 to bee understood of al-
 leges that are alleaged a-
 gainst him. See the title
Shewing of deeds.

332 Oier

331 Oier & Terminer.

Oier & Terminer, is a word called in Latin, de Audiendo & terminando, and it lyeth where any great or sudden insurrection is made, or any other sodaine trespass which requireth hasty reformation, then the King shall direct a commission to certayne men & Iustices to heare & to determine the same.

Note that the Iustices of Assise have also one Commission of Oier and determiner directed to them, and divers other inhabitants both in the shires, wherunto their circuite extendeth, whercof each of the Iustices of Assise are of the Quorum, for the hearing and determining of divers offences, which may happen in their circuite, which without the commission they could not.

P

Pape.

Pape, is an auncient name falsely arrogated, & probably blurped by the Bishop of the onely Citty of Rome in Italy, and is

Oier & Terminer.

Oier & Terminer, est breuement appel en Latin, de Audiendo & Terminando, & gist quant asc' ground ou lodain insurrection e fait, ou ascun aut sodain transgression que requir hasty reformation, donques le Roy directera vn commission a certain gents & Iustices de audiendo & terminando.

Nota q' les Iustices de Assise ont vn commission de Oier & determiner, direct al eux, & diuers auts inhabitants deins les cousties, as queux leur circuite extende, dont chescun de les Iustices de Assise sont del Quorū, pur le meulx Oier & determiner de diuers offences queux poient auener en leur circuites, quel sans cel commission, eux ne poient faire.

P

Pape.

Pape, est vn auncient nomme fausement arrogate, ou haultement usurpe par le Euesq; de le sole Ciry de Rome en Italy, & est

T

cons-

The exposition of

communement appel en commonly Englished the
Anglois le Pope, vn nomm Pope, a name truely much
verament mult frequēt in our auncient
nostre auncient annels li- frequent in our auncient
uers, specialmēt en le tēps ent yere booke, special
de ceux royes, qux grand ly in the times of those
sūt abandonants leur Im- Kings, who too much
perial aucthoritie, & aba- bandoning their Impe-
sants eux, melmes mult riall aucthoritie, and aba-
debase leur estate, ne fuer sing themselves sarre be-
honte de suffer vn alien & neath their estate, were
outlandish Euesq; que in- not ashamed to suffer an
habite ouster mille & cin- alien, and an outlandish
que cent myles de eux, de Bishoh, that dwelt about
estre Souveraigne dehault xv. hundred miles from
eux en leur dominios de- them, to bee Souveraigne
mesme, & de toller de eux ouer them in their owne
non solemēt le disposition Dominions, and to take
de certaine petit trifles de from them not onely the
nul account, mes auxy le disposition of certain small
nomination de Archeues- trifles of none account, but
ques, Euesques, Abbots, also the nominations of
Deanes, Prouostes, appo- Archbishops, Bishoppes,
priations de benefices, p- Abbots, Deanes, Prouostes,
sentations al parsonages, Benefices, presentations of
vicarages, & general- to Parsonages, Vicarages,
ment de tous spirituall and generally of all
persons a leur prefer- spirituall persons to their
ment, ascun temps per preferments, sometimes by
laps, & ascun temps per laps, and sometimes by pro-
prouision, ou autrement, uision, or otherwise, wher-
per que le Prerogative del by the Kings princely pre-
Royes fuit mult abridge rogative was verie much
deins leur Realmes de- abridged within their owne
meine. Pur le repressi- realmes. For the repressi-
on de quel diuers Statutes on wherof diuers Statutes

were

there made, but no sufficient remedie until King H. the 8. did cast off their yoke for him and his subiects.

ont esté fait, mes nul sufficient remedie tãq; roy H. l'8. tout oustermt reiectcel iuge del luy & ses subiects.

334 Per que seruitia.

Per que seruitia.

Doke therfore afterwards in the title Quid iuris clamar.

Vide de ceo apres titulo Quid iuris clamar.

Parceners.

Parceners.

335 Parceners are accordyng to the course of the common Law, & accordyng to the custome. Parceners accordyng to the Common Law, are where one seised of an estate of inheritance or tenements hath no issue or daughters, & dieth, and the tenements descend to the daughters, then they be called Parceners, and are heire as one heir. The same law is, if hee haue not anie issue, and that his sisters should be his heirs. But if a man hath but one daughter, shee is not called parcener, but she is called the daughter and heire. And if there be no daughters nor sisters, the land shal descend to aunts, & they be called Parceners. Also wher lands descend to diuers Parceners, they may make partition betwix themselves

Parceners, sont solanque le Cours de Common Ley, & solanque le custome. Parceners solanque le common ley sont lou vn seisie dun estate de enheritance des tenemens ad issue forsque files & deuie, & les tenements descendent a les files, dontques ils sont appell' Parceners, & sont forsque vn heire. Mesme le ley est, si les soers serroyent les heires. Mes si home ad forsque vn file, el nest dit parcener, mes el est dit la file & la heir. Et si ne sont files ne soers, les terres descenderont a les aunts, & els sont appels Parceners. Auxy quauant terres descendent a diuers parceners, els poyent faire partition enter eux

T 2

per

The exposition of

per agreement, mes si aucun de eux ne voient faire partition, donques l'autre ou les autres aueront un briefe de Participacione facienda direct al Vicont, que ferra partition entre eux per le serement de xij loyals homes de la bayliwike. Auxy partition per agreement poit estre fait per le ley, auxibien per parol sauns fait come per fait. Et si sont de plein age, le partiō tous iours demurrera, & ne ferra vnques defete. Mes si les terres sont a eux en le taile, & coment que ils sont concludes durant leur vies, vncore le issue cestuy que ad le meinder part en value poit disagree a le partiō & enf & occuper en common ouesq; l'autr part. Et auxy si les barōs des parceners font partition, quaur le baron deuie, la feme poit disagree a la partiō. Auxy si le parcen que est deins age fait partition, quant il vient a son pleine age, el poit disagree. Mes el couient byen garder quant el vient a son plein

by agreement, but if any of them will not make partition, then the other or the others shall haue a writ of Participacione facienda directed to the Vicont, who shall make partition between them by the oth of xij lawful men of the bayliwike. Also partition by agreement may be made by the ley, as well by word without deed as by deed. And if they be of full age, the partition shall remain for ever, and shall not at any time be defeted. But if the lands be to them in the taile, & though they are concluded during their times, yet the issue of him which hath the lesser part in value, may disagree from the partition, & enter & occupie in common with the other part. And also the husbands of the parceners make partition, when the husband dyeth, the wife may disagree from the partition. Also if the parcenier which is within age maketh partition, when she cometh to full age she may disagree. But she must take good heed when she cometh to her full

age, that shee take not all the profits to her own vse of the lands which were other allotted, for then she groweth to the partition, and the age shal alway be intended the age of xxj. years.

Also if there bee diuers parteners that haue made partition between them, & one of their parts be recovered by lawfull title, then he shall compell the other to make a new partition.

Also they bee parceners according to custome, where a man is seised of lands in Gavelkind, as in Kent, and in other places franchised, and hath issue diuers Sonnes, and die, then the sonnes are parceners by custome.

Partition.

Partition, is a diuiding of landes descended by the Common Law, or by Custome among coheires or parceners, where there be two at the least, whether they be sons, daughters, sisters, auncles, or other issue of him to the auncles from whom the land descended to them.

age, q'il ne preigne tous les profits a son vse de mesme des terres que succedront a luy allottes, car doques el loy agree a le partition, & le plein age sert tous foits entende al age de xxj. ans.

Auxy si sont diuers parteners que ont fait partition enter eux, & le part de vn soit recouuers luy per title loial, donques el compellera les auters de faire nouel partition.

Auxy ils sont parceners selonque le custome, lou home est seisi de terres in Gavelkind, come in Kent, & auters lieux franchises, & ad issue diuers fis & deuie, donques les fis sont Parceners per le custome.

Partition.

Partition, est vn diuision de terres descendus per le common ley, ou per Custome perenter coheires ou parceners, ou ils sont deux at meimes, soient ils fires, filles, soers, auncles, ou autrement de kinne al auncle ou de que le terre descende al eux.

The Exposition of

Et cest partition est fait
quatuor voies pur le plus
part, de que trois sont al
pleasure & per agreemēt
perenter eux, le quart est
p compulsion.

And this partition is
made foure waies for the
most part, whereof three
are at pleasure and by
agreement among them,
the fourth is by compulsion.

Vn partition p agree-
mēt est quant ils mesmes
deuide le terre equalmēt
in tants parties come la
sont de eux coparceners,
& chescun de esier vn
share, ou part, le eigh pri-
merment, & issint lun a-
pres l'auter, come ils sont
de age, sinon que le eigne
per consent fait le partiti-
on, donques le election
appertient al prochain, &
issint al eigne darreimēt
accordant come il est dit:
cuius est partitio, alterius
est electio.

One partition by agree-
ment is when they them-
selues diuide the land
equally into so many parts
as there be of them copar-
ceners, and each to chuse
one share, or part, the el-
dest first, and so the one
after the other, as they be
of age, except that the el-
dest by consent made the
partition, then the chouse
belongeth to the next, and
so to the eldest last, accor-
ding as it is said: who is
makerh the partition, the
other must haue the chouse.

Vn autre partition per
agreement est, quant ils
eslient certaine de leur a-
mies de faire diuision pur
eux.

Another partition by
agreement is, when they chouse
certaine of their friends to
make diuision for them.

Letierce partition per
agreement est, per trahēs
de lots, issint: Primermēt
de diuider le terre in tants
des parties come la sont
pceners, dōques a scriber

The third partition by
agreement is, by drawing
of Lottes, thus: First to
diuide the Lande into so
many partes as there be
parceners, then to write

every

every part severally in a chescun part seueralment
 litle scroll or peice of pa- en vn petit scrol ou peece
 per or parchment, & to put de paper ou parchement, &
 the same scroll by close ins de mitter ceux scrols close
 to a hat, or cappe, or other en vn har, cap, ou auf tiel
 such like thing, & then each semblable chose; & don-
 parcener, one after an ques chescū parcener, vn
 other as they be of age, to apres auter come ils sont
 haue ont thereof one peece de age a traher hors de c'
 of scroll wherein is witten vn peece ou scroll en que
 a part of the land, which by est escript vn part del ter-
 this drawing is now seue- re, que p cest rrahens est
 rally allotted vnto them in ore seueralment allotte al
 the simple. eux en fee simple.

The fourth partition Le quart partition que
 which is by compulsion, is est per compulsion, est loué
 when one or some of the vn ou ascun de les copar-
 coparceners would haue ceñs voient au partition,
 partition, and other some & auts ne voient agreeer
 will not agree thereto, then a c', donq; ceux que issint
 they that so would haue voient au partition poi-
 partition may bring a writ ent porter vn bñc de Par-
 De partitione facienda a titione faciend enuers les
 gainst the others that auters queux ne voient
 would not make partiti- faire partition, per vertue
 on, by vertue whereof they de quel ils serront compel
 shall bee compelled to de- de departer &c.
 part &c.

In Kent where the En Kent lon les ter-
 landes are of Gavelkinde res sont de Gavelkinde
 nature, they call at this nature, ils appel a cest
 day their partition Shif- iour leur partition Shif-
 ting, even the verie same ting, il mesme parol que
 word that the Saxons les Saxons vñc, nolsme-
 ment, namely Shiftan, ment Shiftan; que sig-
 which signifieth to make nific pur sayre partition

The Exposition of

perfeiter coheires, & pur as- between coheirs partition, signer a chescun de eux & to assigne to each of them leur portion, In Latine est their portion. In latin it is appel Heriscere. called Heriscere.

Partition auxy poit estf Partition also may be fait per iointenants ou re- made by Joyntenants, or nants en common p leur tenâts in common by their assent, per fait enter eux, assent, by deede between them, or by writ by the statutes of 31. H. 8. ca. 1. & 32. H. 8. cap. 32. 32. H. 8. cap. 32.

337 Parties.

Parties.

Parties al hā ou fait, sont ceux qux sont nommes en faites ou fines como parties a c', come ceux queux leuy le fine, & auxy ils a que le fine est leuy. Et ils que sont vn fait de feoffement, & ils a que il est fait sont appellees parties al fait, & issint en auters semblables cases.

Parties to a fine or deed, are those which are named in deedes or fines as parties to it, as those that leute the same fine, and also they to whom the fine is leuied. And they that make a deed of feoffement, & they to whom it is made, are called parties to the deed, and so in many other like cases.

Nota que si vn Indenture soit fait enter deux come parties a c' en le commencement, & en le fait vn de eux graunt ou lessa vn chose al vn autre que nest nomme en le commencement, il nest partie al fait, ne prendra riens per eco.

Note that if an Indenture be made between two as parties thereto in the beginning, and in the deed one of them graunteth or letterth a thing to another, that is not named in the beginning, he is not partie to the deed, nor shall take any thing thereby.

338 Pa.

338 Patron.
Patron, is he that hath the aduowson of a Parsonage, vicarage, trechappell, or such like spirituall promotion belonging to his manor, or otherwise in grose, and thereby may or ought to giue the same benefice, or present thereto, when and as often as it fallith void. And this being patron or patronage had beginning for the most part by one of these three wayes, namelpe, eyther by reason of the foundation, in that the Patron or his aunccestors, or those from whom hee claimes were founders or builders of the church, or by reason of donation, for that they did endowe or giue landes to the same for maintenance thereof, or else by reason of the ground, because the Church was set or builden vpon their soyle or ground: And many times by reason of them all thre.

339 Perquisites.
Perquisites, are aduantages and profits that come to a manor by casualtie, and not yearly,

Patron.
Patron, est celui que ad le aduowson de vn parsonage, vicarage, frankchappel, ou tiels semblable spirituall promotions appartient a son manor, ou autrement en grose, & per ceo poit ou doit doner mesm le benefice, ou present a ceo, quant & cy tost que il deuient voide. Et cest esicant Patron ou patronage ad commencement pur le pluïs part per vn de ceux trois voies, nometment ou ratione fundationis, pur c' que le Patron ou ses aunccestors, ou ceux de que il claime fueront founders ou edificers de le Eglise, ou ratione dotationis, pur ceo que ils endow ou done terres a: ceo pur ratione fundi, pur ceo que le Eglise fuit mis ou edifie sur leur soyle ou terre: Et diuers temps per reason de ils routs trois.

Perquisites.
Perquisites, sont aduantages & profits queux vient al vn manor per casualtie, & non annuellement.

come

The Exposition of

come Esccheates, Hariors, Relieves, waifes, estrayes, forfeitures, amerciements en courts, gardes, marriages, biens, & fres purchase p. villeins de m le manor, fines del copiholds, & divers semblable choses qux ne sont certaine mes happen p. chance, als' temps plus often que a autre temps. Vide Perkins fol. 20. & 21.

as Esccheats, Harlots, reliefs, waifes, estrayes, forfeitures, amerciements in courts, wards, marriages, goods and landes purchased by villeins of the same manor, fines of copiholds, & divers such like things that are not certaine, but happen by chance, sometimes more often then at other times. See Perkins fol. 20. & 21.

340 Perambulatione faciendā.

Perambulatione faciendā.

Perambulatione faciendā, est vn bre, & gift lou ij. seigniories gisent vn pres l'autr, & ascun encrochant est fait p. long temps, donques par assent de ambideux Seigniors, le Vicont prendra onques luy les parties & les yicines, & feront perambulation, & feront les metes come ils furent a devant. Mes si vn Seignior encroch sur l'autr, & il ne voile faire perambulation, donques le Sh. iust. greue auera briefe vers l'autr, que est appelle de Rationabilibus diuisis.

Perambulatione faciendā is a writ, and it lyeth where two lordships lie one nigh another and some encroachment is made by long time; then by assent of both Lords, the Sherrife shall take both him the parties and the neighbors, & shall make perambulation, and shall make the boundes as they were before. But if a lord encroch upon another, & he will not make perambulation, then the Lord so greued shall have a writ against the other, which is called de Rationabilibus diuisis.

344 **Petit Cape.**
Petit Cape, is a writ, & it
 lyeth when any action
 real, that is to say, of plee
 of land is brought, and the
 tenant appeareth, & after-
 ward maketh default, then
 this writ of Petit cape shal
 goe forth to seise the lands
 into the kings hands: But
 if he appeare not, but ma-
 keth default at þe first sum-
 mons, then a Graund cape
 shall go forth, & for such de-
 fault the tenant shall lose
 the land, but if he swage his
 Law of non summons, he
 shal saue his default, & then
 he may plead with the de-
 mandant. And in Graund
 cape the tenāt shal be sum-
 moned to answer to the de-
 fault, & farther to the de-
 mandant: But in Petit cape
 he shal be summoned to an-
 swere to the default onely,
 and not to the demandant.
 And it is called Petit cape
 for that that there is less in
 this writ then in the other.

345 **Petit Sericantie.**
To hold by Petit Serie-
 antie, is as if a man hold
 of the King lands as tene-
 ments, yielding to him a

Petit Cape.
Petit Cape, est vn briefe
 & gist quant alcun acti-
 on real, a. de plee de terre
 est port, & le tenaunt ap-
 peare, & puis fait default
 donques issera cest briefe
 de Petit cape de seiser les
 terres en maines le Roy:
 Mes sil ne appeer, mes fait
 default al prīm summons
 donques issera vn Grand
 cape, & pur tiel default le
 tenant perdra la terē, mes
 sil gage son ley de non sū-
 mons, il sauer son default,
 & donques il poit pleade
 ouesque le demandaunt.
 Et in Graund cape le re-
 naunt terra summon pur
 respōder al default, & ou-
 fter al demandaunt. Mes
 en Petit cape il serra sum-
 mon pur responder al de-
 fault solement, & nemy al
 demandant. Et est appelle
 Petit cape, pur ceo que il
 ad minus en cel briefe,
 que en l'auter.

Petit Sericantie.
Tener per Petit Serie-
 antie, est sicome vn hōe
 tient de roy terres ou te-
 nements, rendāt a luy vn
 cuttel,

The Exposition of

cuttle, vn escue, vn setf, vn
arke sauns corde, ou auter
semble seruice, a la volunt
le prin feoffour, & la nap-
pent gard, mariage, ne re-
liefe. Et nota que home ne
poit tener per grand Ser-
ieanty, ne per petite Ser-
ieanty, sinon del roy.

343 **Plaintife.**

PLaintise, est celuy q sue
ou cōplain en vn assise,
ou en vn action parsonall,
come en vn action de det,
trespas, disceit, & detinue,
& tiels semblables.

344 **Pleading.**

PLeadings, sont appellees
routs acts del parties al
suites aps le count ou de-
claration, nosmement ceo
que est contein en le barr
replication, & rejoinder,
& non ceo contein en le
count m, & pur & defaults
en le matter del count, ne
sont comprise deins mis-
pleading, ou insufficient
pleading, ne sont remedy
per le statute de Jeofailles,
22 H. 8. Mes solement
ceo mispleading, ou in-
sufficient pleading, com-
mit en le barre, replica-

knife, a buckler, an arrow,
a bow without string, or
ther like seruice, at the will
of the first feoffor, & ther
belongeth not ward, mar-
age, ne reliefe. And note
well that a man may not
hold by ground nor petite
Serieanty, but of the king.

Plaintife.

PLaintise, is he that sueth
or complaieth in an as-
sise, or in an action personal
as in an action of det, tres-
pas, deceit, detinue, & such
other.

Pleading.

PLeadings, be called al the
sayings of the parties to
suits after the count or de-
claration, namely & which
is conteyned in the barre,
replication, & rejoinder, &
not that conteyned in the
count it selfe, & therefore
defaults in the matter of
count are not comprised
within mispleading, or in-
sufficient pleading, nyz are
remedied by the statute of
Jeofailles, 22 H. 8. But on-
ly that mispleading, or in-
sufficient pleading, com-
mitted in the barre, replica-
tion

tion, & reioinder are there
prouided for.

345 Post disseisin.
Post disseisin, Take for
that befoze in the title
Affise.

346 Possession.
Possession, is said two
wayes, eyther actuall
possession, oz possession in
Law.

Actuall possession, is
when a man entreth in deed
into landes oz tenements
to him discended, oz other-
wise.

Possession in Law, is
when lands oz tenements
are discended to a man,
and he hath not as yet re-
ally, actually, and in deed
entred into them: And it
is called possession in law,
because that in the eye, and
consideration of the Law,
hee is deemed to be in pos-
session, sozasmuch as he is
tenant to euery mans acti-
on that wil sue concerning
the same landes oz ten-
ements.

347 Poundes.
Poundes, are in ij. sorts,
the one Pound open,
the other Pound close.

tion, & reioinder, sont la
prouide.

Post disseisin.
Post disseisin, Vide de c'
deuant in le titl' Affise.

Possession.
Possession, est dit deux
voies, ou actuall pos-
session, ou possession en
Ley.

Actuall possession, est
quant vn home enter en
fait en terres ou tenemets
a luy discende, ou auter-
ment.

Possession en Ley, est
quant terres ou tenemets
sont discende a luy vn home,
& il nad vncor realment,
actualment, & en fait en-
ter en eux: Et il est ap-
pelle possession en ley, par
ce que e le oiel, & conside-
ration del ley, il est pense
deste en possession, entant
que il est tenant a chescun
action que ascun voit suer
concernant mesmes les
terres ou tenements.

Poundes.
Poundes, sont en deux
sorts, lun Pound ouert,
le autre Pound close.

Pound

The Exposition of

Pound ouert, est chescun lieu en que vn distres est mis, soit ceo common pound, tielx que sont en chescun ville ou Seignorie, ou soit ceo backside, court, yarde, pasture, ou autrement quecunq; lou le owner del distresse poir vener a doner eux viande sans offence p lour esteat la, ou son vener la.

Pound close, est tiel lieu, lou le owner del distresse ne poir vener a doner eux viande sans offence, come en vn close meason, ou quecunq; autre lieu.

348 **Preamble.**

Preamble, ad son nosme de le preposition (Pre) deuant, & le verbe (Ambulo) pur va, issint ioint ensemble, ils font vn compound verbe de le primer coniugation (Preambulo) pur vaer deuant, & de ceo le primer part ou commencement dun act, est appelle le Preamble de le act, le quel preamb' est vn clisse de ouerer les ments del feafors del Act, & les mischiefs que ils entende

Pound open, is euery place wherein a distresse is put, whether it be common pound, such as are in euery Towne or Lordship, or whether it be backside, court, yard, pasture, or else whatsoener, whether the owner of the distresse may come to giue them meate and drink without offence for their being there, or his coming thither.

Pound close, is such a place, where the owner of the distresse may not come to giue them meate & drink without offence, as in a close house, or whatsoener else place.

Preamble.

Preamble, taketh his name of the preposition (Præ) before, and the verbe (Ambulo) to goe, so iointed together, they make a compound verbe of the first coniugation (Preambulo) to goe before, & here of the first part or beginning of an Act, is called the Preamble of the Act, which preamble is a key to open the mindes of the makers of the Act, and the mischiefs that they intend

to remedie by the same: As
for example, the stat. made
at westm. the first, the 37.
chap. which giveth an At-
tain, & preamble of which
is thus: For as much as
certain people of the realm
doubt verie little to give
false verdictes or oathes,
which they ought not to
doe, whereby many people
are disherited & lose their
right, it is provided, &c.

de remedy per ceo: Come
pur exemple, le statut fait
al West. le prim le 37. cap.
que done Attaint, le Pre-
amble de q est issint: Pur
ceo que ascus gens de la
terre doutent meins faux
sermens faire, que faite ne
duissent, & que multes des
gentes soient disherites &
pden leur droit, purvisy
est, &c.

346. **Præmunire.**

PRæmunire, is a writ, and
it lyeth where any man
with any other in the spi-
rituall court, for any thing
that is determinable in the
Kings Court, and that is
ordained by certayne Sta-
tutes, and great punish-
ment therfoze ordained, as
it appeareth by the same
statutes, viz. that he shall be
out of the Kings protecti-
on, and that he be put in
prison without bayle or
mainpryse, till that he have
made fine at the Kings
will, and that his landes &
goods shall be forfeit if hee
come not within two mo-
neths. Also the prou-
isors, procuratores, attur-

Præmunire.

PRæmunire, est un brief,
& gist lou aucun home
sue aucun autre en Court
Christian, pur ascu chose
que est determinable en le
Court le Roy, & ceo est
ordaine per certayne Sta-
tutes, & graund punish-
ment a ceo ordeine, come
appiert per mesme les sta-
tutes, cestascavoir, que il
serra hors de protection
le Roy, & que soit mis
en prison sauns bayle ou
mainprise, tanque ils ad
fait fine al volunt le Roy,
& que ses terres & cha-
teux serront forfaites si
il ne veygne deins deux
moys. Auxy leur proui-
sors, procurators, attur-
nies,

The Exposition of

nies, executors, notaries, & maintainors, serrōr punished in the same maner, Ideo vide Statutum.

Auxy ascuns dient que si vn Clerke sue aut home en court de Rome p chose spiritual, lou il poit au reme die deins cest Realmie en court son Ordinarie, que il serra en case de le statute.

Et sur diuers auters of fenses est impose per sta tutes depuis fait le penal tie que eux incurre queux fueront attraintes en Præ munire: Come per 13. Eli. cap. 8. ceux que aydont a faire corrupt bargain sur que vsury est reserve ou ster x.li. pur le hundred en lan &c.

350. Preceipe in capite.

Preceipe in capite, est vn brieve, & gist lou le te nant que tient del Roy en chiefe, come de la corone, & il est desorce, cest adire ouste de son fre, donques il auera cest brieve, & cest brieve serra close, & serra plede en le cōmon bank.

Auxy si asc' tenant que Also if any tenant which holdeth

nies, executors, notaries, & maintainors shall be punished in the same maner, Therefore take the stat.

Also some men say, that if a clerke sue another man in the Court of Rome for a thing spiritual where he may have remedie within the realm in the court of his Ordinarie, that he shall be within the case of the statute.

And upon diuers other offences is imposed by statutes lately made the penalty that they incur which are attrainted in præmunire: As by 13. Eli. ca. 8. they which are appling to make a corrupt bargain where upon vsurie is reserved above the x.li. in hundred in the yeare &c.

Preceipe in capite.

Preceipe in capite, is a writ, and it lyeth where the tenant holdeth of the King in chiefe, as of his crowne, and he is desorced, that is to say, put out of his land, then he shall have this writ, and this writ shall be close, and shall be pleaded in the common place.

holdeth of any Lord be de-
manded, it behooveth him to
for a writ of Right patent
which shall be determined
in the Lords Court. But
if the land be holden of the
king, the writ of right pa-
tent shall be brought to the
kings court: and this writ
may be removed from the
kings court vnto a countie
by a Tolt, & from the countie
into the common place
by a Pone. Take therefore
heise in the title Droit.

Prescription.

Prescription, is when a
man claimeth any thing
in that he, his ancessors,
or predecessors, or they
whose estate he hath, haue
had or used any thing all
the time, whereof no minde
is to the contrarie.

But one may not pre-
scribe against a statute, ex-
cept hee haue another sta-
tute that serueth for him.

Presentment.

Presentment, is of two
significations: one is
presentment to a Church,
which whē any mā which
hath right to giue any be-
nefice spirituall, & nameth
the person to the Bishop

tient de ascun Seignieur
soit de force, luy couient
suer bfe de Droit patent
que serra determine en le
court le Seignieur. Mes si
le terf soit tenu del Roy,
le bfe de droit patent ser-
ra port al Court de Roy.
Et cest brieve poit este re-
moue de la court le Seig-
nour en le county per vn
Tolt, & de la countie en
commō bank p vn Pone.
Ideo vide deuaunt titulo
Droit.

Prescription.

Prescription, est quānt
vn person claim ascun
chose, par ceo que il, ses
ancestors, ou predecessors,
ou ceux que estate il ad,
ont eu ou vſe ascun chose
dont nul memorie curt al
contrarie.

Mes ne poit prescribe
encont vn estatut, sinon
que il ad auter statute que
serue pur luy.

Presentment.

Presentment, est equi-
uocum: lon est present-
ment al Eglise, quel
quānt ascun home que
ad droit a doner ascun
benefice spirituall, & nos-
me le person al Euesque

The exposition of

a que il voit le doner, & fait vn letter al Euesque pur luy, ceo est vn presentation ou presentment. Mes si diuers coheires ne poyent accorder en presentment, le presentee de leigne serra admettre. Mes de lointennants & tenants en common, si ils ne accordant deins les sixe moys, le Euesque presentera per laps.

L'auter est vn presentment ou information per asc' Iurie en vn Court, deuant asc' officer la que ad auethority de punisher asc' cū offence fait contr' le ley

353 Pretensed droit ou Title.

PRetensed droit ou Title est lou vn est en possession de terres ou tenements, & vn auter que est hors de possession, clame ceo, ou sue pur ceo : Ore le pretensed droit ou title est dit en luy, que issint sue ou clame. Et si il puis vient a le possession de mesme les terres ou tenements, son droit ou title est annexé al terr' & possession, & nient donque appel droit.

to whom he will give it, & maketh a writting to the Bishop for him, that is a presentation or presentment. But if diuers coheires may not agree in presentment, the presenter of the eldest shall bee admitted. But of Joutennants & tenants in common, if they agree not within sixe moneths, the Bishop shal present by laps.

The other is a presentment or information by a Jurg in a court, before any officer which hath authority to punish any offence done contrarie to the law.

Pretensed right or Title.

PRetensed right or Title is where one is in possession of landes or tenements, and another who is out of possession, claimeth it, or sueth for it : And the pretensed right or title is said in him, who is out sue or clame. And if he afterward come to the possession of the same landes or tenements, his right or title is annexed to the land and possession, and not then called right.

Prinie, or Priuities.

Priuie, ou Priuities.

Priuie, or Priuities, is

Priuie, ou Priuities, est

where a lease is made to hold at will, for yeares, for life, or a feoffment in fee, and in diuers other cases, and because of this that hath passed betwene these parties, they are called priuities, in respect of strangers, betwene whom no dealinge or conueyances hath bin.

lon vn lease est fait a tener a volunt, pur ans, pur vie, ou vn feoffment en fee, & en diuers autres cases, ore pur ceo de ceo que ad passe perent ceux parties, ils sont appellees priuies, en respect de strangers perenter queux nul tiel conueyances ad estre.

Also if there bee Lord and tenant, and the tenant hath of the Lord by certain seruice, there is a priuie betwene them, because of the tenure, and if the tenant be disseised by a stranger, there is no priuie betwene the disseisor and the Lord, but the priuie shall remaineth betwene the Lord and the tenant that is disseised, & the Lord shall auowen upon that hee is his tenant in right, and in the iudgement of the Law.

Auxy si soit Seignior & tenaunt, & le tenant ti-ent del Seignior per certaine seruice, il y ad vn priuie perenter eux per cause de tenure, & si le tenaunt soit disseise per vn estranger, il ad nul priuie perenter le disseisor & le Seignior, mes le priuie vncos demurt perenter le Seignior & le tenant que est disseise, & le Seignior auouer sur luy, pur ceo que il est son repaunt en droit, & en le iudgement del ley.

Priuies are in diuers sorts, as namely, priuies in deede, priuies in law, priuies in right, and priuies in sanke.

Priuies sont en diuers sortes, come nosmement, priuies en estare, priuies en fait, priuies en ley, priuies en droit, & priuies en sanke.

V a

Priuies

The exposition of

Pruiues en estare, est lou
vn lease est fait del man
nor de Dale al A. pur vie,
le remainder al B. en fee,
la & A. & B. sont pruiues en
estare, car lour estates fue-
ront fait ambideux al vn
temps.

Et issint est en le prim
case cy, ou vn lease est fait
al volunt, pur vie, ou ans,
ou vn feoffement en fee,
les lessees ou feoffees sont
appel pruiues en estare, &
issint sont lour heires, &c.

Pruiues en fait, est lou
vn lease est fait pur vie, &
apres, per vn autre fait le
reuerfion est graunt al vn
estraunger en fee, cest
grauntee del reuerfion est
appel pruiue en fait, pur
ceo que il ad le reuerfion
per fait.

Pruiue en ley, est lou il
est Seignior & tenant, le
tenaunt lessa le tenancie
pur vie & morust sauns
heire, & le reuerfion es-
cheate al Seignior, il est
dit pruiue en ley, pur ceo
que il ad son estare sole-
ment per le ley, cest adire
per escheate.

Pruiues in estate, is
where a lease is made
the mannor of Dale to
for life, the remainder
B. in fee, there both A.
B. are pruiues in estate
their estates were
made at one time.

And so it is in the
case here, where a lease
made at will, for life,
years, or a feoffment
in fee, the lessees or
fees are called pruiues
estate, and so are the
heires ec.

Pruiues in deed, is
where a lease is made
life, and afterward by
other deed the reuerfion
is graunted to a stran-
ger in fee, this graunt
of the reuerfion is call-
ed pruiue in deed, be-
cause hee hath the reuerfion
in deed.

Pruiue in law, is
there is Lord and
the tenaunt lesseth the
manor for life and
without heire, & the
reuerfion escheats to the
heir is said pruiue in
law because that hee hold-
eth estate only by the law
is to say, by escheat.



Prinip in right, is where vn possessed of a terme for
years, granteth his estate
to another vpon condition,
maketh his executoꝝ, &
leth, now these executoꝝ
are priuies in right, for if
the condition be broken, &
they enter into the Land,
they haue in it the right of
their Testatoꝝ, and so his

Priuie of blood, is the heire of the feoffour or do-
nor &c.

Also if a fine bee leuied,
the heirs of them that le-
uied the fine are called pri-
uies.

Priuie in droit, est lou vn possesse dun terme pur
ans, granta son estate al
vn autre sur condition, &
fait ses executoꝝ & mo-
rust, ore ceux executoꝝ
sont priuies in droit, car si
le condition soit infreint,
& ils entrent in le terre,
ils aueront ceo en le droit
de leur testator, & a son
vse.

Priuie de sanke, est le heire de le feoffor ou do-
nor &c.

Item si vn fine soit le-
uie, les heirs de celuy que
leuie le fine sont appelle
priuies.

Priuiledges.

Priuiledges, are liberties
and franchises granted
to an office, place, towne,
or manoir, by the Kings
great charter, letters pa-
tents, or act of parliamēt:
as Collie, Sake, Socke,
Infangtheefe, Outfang-
theefe, Turne, Oredelfe,
and diuers such like, for
which looke in their pro-
per title and places.

Priuiledges.

Priuiledges, sōt liberties
& franchises grant al
vn office, lieu, vill, ou ma-
noir, per la grand charter
del Roy, letters patēts, ou
act de parliamēt &c. Tol,
Sake, Sock, Infangtheefe,
Outfangtheefe, Turne,
Oredelfe, & diuers tiels
semblables, pur queux
veies in leur proper tiels
& lieu.

The Exposition of

376 Proces.

PROces, sont les briefs & precepts que issiōt sur le original. Et in actions reals & personels sont diuers sortes de proces, car in actions reals le proces est Graund Cape deuant apparāce: Ideo vbi de ceo in le title Petit Cape.

Mes in actions personals, come in det, trespass, ou detinue, le proces est vn distress, & si le Vicont retourne Nihil habet in balliua &c. donques le proces est Alias Capias, & Pluries, & vn Exigent, & ils sont appellez Capias ad respondendum. Auxy le Exigent serra cinque foits proclames, & si le party nappare il serra vilage. Mes in diuers actions sont diuers maners de proces, que est plus alarge declar in Natura breuium.

Auxy sont diuers auters proces apres appearance, quant les parties sont al issue pur faire linquest appearer, come vn brieve de Venire facias, & s'ils ne aperont al iour, dōques vn brieve de Habeas corpora

Proces.

PROces, are the writs and precepts that goe upon the original: and in actions reals and personals there bee sundrie sortes of proces, for in actions reals the processe is Graund Cape before appearance: Therefore see of that in the title Petit Cape.

But in actions personals, as in debt, trespass, or detinue, the proces is distress, and if the Vicont returne Nihil habet in balliua &c. then the proces is Alias Capias, and Pluries, and an Exigent, & they are called Capias ad respondendum. Also the Exigent shall bee proclaimed five times, & if the party doth not appeare hee shall bee outlawed. But in diuers actions there are diuers maners of proces, which is large is declared in N.B.

And there were diuers other processe after appearance when the parties be at issue to make the inquest appeare, as a writ of Venire facias, and if the party doth not appeare at the day, the writ of Habeas corpora

lurat,

Iurat, and after a writ of **Iurat**, & apres vn brieft de **Distingas Iurat**.

Also there are diuers other processe after iudgement, as **Capias ad satisfaciendum**, **Capias vtlagatum**, and **Capias ad valentiam** &c.

But Capias ad satisfaciendum, lyeth where a man is condemned in any debt or damage, then he shall be arrested by this writ, and put in prison without baile or mainpryse, till hee hath payed the debt and the damages.

But Capias vtlagatum, lyeth where one is outlawed, then he shall be taken by this writ, and put in prison without baile or mainpryse, for that hee had the lawe in contempt.

Capias ad valentiam lyeth where I am impleded of certain lands, & I bouch to warrantie another, and cannot barre the demaundant, so that the demaundant reconer against mee, then I shall reconer so much in value against the boucher, and then shall goe with this writ.

And there be other pro-

Auxy sont diuers ans proces apres iudgement, come **Capias ad satisfaciendum**, **Capias vtlagatum**, & **Capias ad valentiam**, &c.

Mes Capias ad satisfaciendum gist lou vn hoim est condempne in ascú det ou damages, donques il serra arrest per cest brieft & mis en prison sans baile ou mainpryse, tanque il ad pay le det & les damages.

Mes Capias vtlagatum, gist lou vn est vtlage donques il serra prise per tiel bse, & mis en prison sauns baile ou mainpryse, pur ceo que il ad fait contépt encounter le ley.

Capias ad valentiã gist lou ieo fue implede de certain terre, & ieo vouch a garrantie vn auter, & il ne scauoit pas barre le demaundant, issint que le demaundant reconer vers moy, donques ieo reconef tant in value vers le vouchee, & donques issit cest brieft.

Auxy sont autres pro-

The Exposition of

cesse & briefes iudicials, cesse and writs iudicials, come Fieri facias, Scire facias, & plusieurs autres: & as Fieri facias, Scire facias, and many other: & therefore take for them in their titles.

357 Prochein amy.

PRocheine amy, est communement prise par Gardian en socage, & est lou vn homme seigneur de freres tenu en socage morust, son issue deins age de 14. ans, donques le pcheine amy, ou pcheine de sank a que les terres ne poient venir ou discender, aua le gard del heire, & del terre, a vse solement del heire, tanq; il vient al age de 14. ans: Et donques a tiel ans, le heire poit enter & luy ouste, & amesner luy de accompl: Mes en cest accompl il auera allowance pur tous reasonable costs & expences bestow ou sur le heire ou son terre.

Et le procheine amy ou procheine de sank a que le inheritance ne poit discender est issint deste entente: Si les terres discend al heire de son pere, ou aucun del sank del part son pere, donques

Next friend.

NExt friend, is commonly taken for Gardian in socage, and is where a man seised of land holden in socage dieth, his issue with in age of 14. yeares, then the next friend, or next of kinne to whom the landes canot come or discend, shall haue the keeping of the heire, and of the land, to the onely vse of their heire, vntill hee come to the age of 14. yeares: And then at that yerres he may enter and put him out: & bring him to accompt: But in that accompt he shall be allowed for all reasonable costs & expences bestowed epyther vpon the heire or his land.

And the next friend or next of kinne to whom the inheritance canot discend, is thus to be vnderstood: If the Landes discend to the heire from his father, or any of the kinne of his fathers side, then

the

the mother, or other of the mothers side, are called the next of kinne to whom the inheritance cannot descend, for before that it shall descend, it shall rather escheat to the lord of whom it is holden.

And so it is to bee understood where the landes come to the heire from his mother, or any of the kinne of his mothers side, then the father or other of the fathers side are called the next of kinne to whom the inheritance cannot descend, but shall rather escheat to the Lord of whom it is holden.

Otherwise Prochein amy is hee which appearet in any Court for an infant which smeth any actiō, and aideth the infant to pursue his suite: whereof see the Statutes of W.1. cap. 47. & W.2. ca. 15. that an infant may not make an Atturney, but the Court may admit the next friend for the plaintiffe, and a Guardian for the infant defendannt as his Atturney.

le mere, ou autre del part le mere, sont appellee procheine de sanke a que le enheritance ne poit descendre, car deuaunt que il issint descendra, il plus tost escheat al Seignior de que il est tenus.

Et issint est destte entendre low les terres vient al heire de sa mère, ou asc' autre de sanke del part sa mere, donques le pere ou aut' del part son pere sont appelle le procheine de sanke a que le enheritance ne poit descend, mes plus tost escheatera al Seignior de que il est tenus.

Autrement procheine amy est celuy que appiert en ascū Court pur vn enfant que sue alcuna action, & que ayde le enfant de pursuer son suit: dont vide les Statutes de W.1. ca. 47. & W.2. cap. 15. que vn enfant ne poit faire Attourney, mes le Court poit admettre le procheine amy pur le plaintife, & vn Gardian pur le enfant def. cōe son Attourney.

The Exposition of

358 **Procedendo.**

Procedendo, est vn b're,
& g'ist lou alcun action
est sue en vn Court, que
est remoue a vn pluis
hault, come al Chaun-
cerie, banke le Roy, ou
Common banke, p' b'riefe
de Priuiledge ou Certio-
rare, & si le defendaunt
sur le matter monstre, nad
cause de priuiledge, ou
si le matter en le bill sur
que le Certiorare issuit ne
soit bien proue, donques
le plaintife auera cest b're
de Procedendo pur re-
maunder le matter al pri-
mar base Court, & la dest'f
determine.

Procedendo.

Procedendo, is a writ, &
it lyeth where any acti-
on is sued in one Court,
which is removed to a
Court more high, as to
the Chancerie, the Kings
bench, or Common place,
by a writ of priuiledge or
Certiorare, and if the de-
fendaunt vpon the matter
shewed, haue no cause of
priuiledge, or if the matter
in the bill whereupon the
Certiorare issued bee not
well proued, then the plain-
tife shall haue this writ of
Procedendo, for to send a-
gain the matter vnto the
first base Court, and then
to be determined.

359 **Prohibition.**

Prohibition, est vn b're,
& g'ist lou home est
emplede en court Christi-
an de chose que ne touch
matrimonie ne testamēt,
ne merement dismes, mes
que touch le corone nollif
Seignior le Roy, & cest
b'riefe serra direct auxy
bien al partie come al
Iudge, ou son official, de
eux prohibire que ils ne
pursue ouster, Mes si

Prohibition.

Prohibition, is a writ, &
it lyeth where a man is
impleaded in the spiritual
Court of the thing that
toucheth not matrimonie
nor testament, nor merely
tythes, but that toucheth
the Kings Crowne, & this
writ shall bee directed as
well to the party, as to the
Iudge, or his Official, to
prohibite them that they
pursue no further. But if

it appeare afterward to the Judges tempozal, that the matter is to be determined in the Spiritual court, and not in the court Tempozal then the party shall haue a writ of Consultation, commanding the Judges of the court Spiritual to proceed in the first ple.

il appeare apres a les Judges temporal, que le matter est desiré determin en le Spiritual court, & nemy en le court Temporal, adonc que le party auer vn brief de Consultation, commandant les Judges de le court Spiritual de proceder en la primer plee.

360 Protection.
Protection, is a writ, & it lyeth where that a man will passe ouer the Sea in the Kings service, then hee shall haue this writ, and by this writ he shalbe quite of all manner of ples betwixen him & any other person, except ples of dower, Quare impedit, Assise of nouel disseisin, Darrein presentmēt, and Attaints, & pleas befoze Justices in Eyre. But there be two writs of Protection, one Cum clausula volumus, and another Cum clausula nolumus, as appereth in the Register. Also a Protection shall not be allowed in any ple begun befoze the date of the Protection, if he be not in vyages where the King him self shal pass, or other vyage

Protection.
Protection, est vn brieve & gift lou home voir passer ouster le mere in le service le Roy, donques il auera cest brieve, & per cest brieve il serra quite de tous maner des ples enter luy & ascun auter person, except ples de Dower, Quare impedit, Assise de Nouel disseisin, Vltimaz presentationis, & Attaints, & ples deuaunt Justices en Eyre. Mes sont deux bres de Protection, vn Cum clausula volumus, & laut Cum clausula nolumus, vt appiert in la Register. Auxi Protection ne serra allow en ascun plee commence deuāt le date de la Protection, si ne soit en vyages ou le Roy mē passia, ou auters vyages royaux,

The Exposition of

royals, ou en mēsiage le roy s' besoignes de realm. Auxy protection ne serra allow pur vitales achates pur le viage, dont le protection fait mention, ne inplees de trespas, ou de cōtracts fait puis le date de mēme le protection.

royals, or in messages of the king for affaires of the Realme. Also a protection shall not be allowed for vitall bought for the viage whereof the protection maketh mention, nor in pleas of trespas, or of contracts made after the date of the protection.

Mes nota, que ascū poit attacher ou commencer ascun action real vers ce- luy q ait tiel protection, & en ceo proceder tanq: le defendaut veigne & monstre son protection ē le court, & ait ceo allowe, & donque son plee ou suit serra mis sans iour. Mes si apres il appiert que le pry que ad le protection ne va en besoigne pur que il ait ceo, donques le demā- dant auera vn repeale de ceo. Et sil va & retourne a- pres le besoigne finie, le demandant auera vn re- summons de recontinue le former fait.

But note, that any may attach or begin any action real against him that hath such protection, and therein proceed untill the defendāt cometh and sheweth his protection in the court, and hath it allowed, & then his pleē or suit shall go without day. But if after it appeareth that the party which hath the protection goeth not about the affaires for which he hath it, then the demandant shall have a re- peale thereof. And if he go & returne after the busines ended, the demandant shall have a resummons to re- continue the former suit.

361

Protestation.

Protestation.

PROTESTATION, ē vn forme de pleading quant ascū

PROTESTATION, is a forme of pleading when any
will

will not directly affirme, ne voit directment affir-
 mer, ne directmēt denier
 nor directly denie anie mer, ne directmēt denier
 thing that is alledged by ascun chose quel est al-
 another, or which hee him: leage per auter, ou que
 seife alledged. And it is il mesme alleage. Et est
 in two sortes: One is, en-deux maners, lun est
 when one pleadeth anie quaut vn pleade ascun
 thing which hee dare not chose que il ne osast di-
 directly affirme, or that hee rectment affirmer, ou que
 cannot pleade it for doubt il ne poit ceo pleder pur
 to make his plea double: doubt de faire son-plea
 And if in conueying to him double: Come si en con-
 seife a title to any land, hee ueying a luy title al as-
 ought to pleade diuers dis- cun terre, il doit plea-
 cents by diuers persons, der diuers discents per di-
 and he dare not affirm that uers persons, & il nosast
 all they were seised at the affirmer que eux toutes
 time of their death, or al- fueront seises al temps de
 though hee could doe it, leur mort, ou comenc
 it shall be double to pleade il ceo purroit, ceo ferra
 two discents, of both double a pleder deux dis-
 which, every one by him- cents, de qux ambideux
 seife may be a good barre: chescun aparluy poit es-
 Then the defendant ought tre bone barre: Donques
 to pleade and alleage the le defendaant doit pleder
 matter, interlacing this & alleager le matter en-
 word Protestando, as to terlasing cest parol Pro-
 say, that such a one dyed testando, come adire, que
 (by protestation) seised or tiel obijt (porestando)
 and that is to be alleaged seise &c. Et ceo est desta
 by protestation, and not alleage per protestation,
 to bee trauesed by the & nemy trauesable per
 other. Another protestati- lautier. Auter protestati-
 on is, when one is to an- on est, quant vn est de res-
 swere to two matters, and ponder a deux choses, &
 yet by the Law he ought tamen per le ley il doit
 ple-

The Exposition of

pleder forsque a lun; don-
ques en le primer part del
plee, il dira, al vn matter
Protestando; & non cog-
noscendo cel matter estre
voier, & faire son plee ou-
ster per ceux parolx, Sed
pro placito dicit &c. & ceo
est pur saluation al partie
(que issint plede per pro-
testation) deste conclude
per aucun matter alleage
ou obiect encounter luy,
sur que il ne poit ioiner
issue: Et nest auter chose
mea vn exclusion del con-
clusion, car il que prist le
protestation exclude lau-
ter partie de concluder
luy. Et cest protestation
doit estoier oue le sequel
del plee, & nemy deste re-
pugnant, ou autrement
contrarie:

to pleade but to one, then
in the first part of the ple,
he shall say to the one mat-
ter Protestando, & non cog-
noscendo, this matter to
be true, and make his ple
further by these wordes,
Sed pro placito dicit &c.
and this is for saving to
the party (that so pleaderth
by protestation) to be con-
cluded by any matter al-
leaged or objected against
him, upon which hee can
not ioyne issue: And is no
other thing but an exclu-
sion of the conclusion, for
hee that taketh the Prote-
station excludes the other
partie to conclude him.
And this Protestation
ought to stand with the se-
quel of the ple, and not to
be repugnant, or otherwise
contrarie.

361 Purchase.

Purchase, est le possessio
que vn home ad en ter-
res ou tenements per son
act demesne, meanes, ou
agreement, & nemy per
title de discent de aucun de
ses auncestours. Vide Lit.
leton lib. i. cap. i.

Purchase.

Purchase, is the possessi-
on that a man hath in
landes or tenements by
his owne act, meanes, or
agreement, and not by title
of discent from any of his
auncestours. See Littleton
lib. i. cap. i.

Quale ius.

Vale ius, is a writ, and it lyeth where an Abbot, Prior, or such other, should have iudgement to recover land by the default of the tenant against whome the land is demanded, then before iudgement given, or execution awarded, this writ shall goe forth to the Escheator to enquire what right he hath to recover: And if it be found that he hath not right, then the Lord which should have the land, if the tenant had aliened in Mortmain, may enter as into land aliened in Mortmain, for this losing by default is like an alienation. See the Statute Westm. 2. cap. 32.

But a writ of Ad quod damnum lyeth where one shall give land to an house of Religion, then this writ shall goe forth to the Escheator, to enquire of what value the land is, and what prejudice it shall be to the King.

Quale ius.

Vale ius, est vn briefe, & gist lou ascun Abbot, Priour, ou tiels autres, aueront iudgement de recouer terre per le default del teneant vers que le terre est demandee, donque deuant iudgement done, ou execution agarde, cest briefe isle al Escheator pur enquire quel droit il ad a recouer: Et si soit trouue que il nad droit, donques le Seignior que duist auer le terre si le teneant vst alien en Mortmain, poit enter come en terre alien en Mortmain, car cel perdre per default est semble a vn alienation. Vide le Statute Westm. 2. ster le second capitulo 32.

Mes briefe de Ad quod dampnum gist lou vn voyle doner terre al maison de Religion, donques cest briefe isle al Escheator, pur enquire de que value le terre est, & quel prejudice il serra al Roy.

The Exposition of

364 Quare eiecit infra terminum.

Quare eiecit infra terminum, est vn briefe, & gist lou vn fait lease a vn aut pur term dans, & le lessour enfeoffa vn auter, & le feoffee ousta le termour, donques le termour auera cest brief vers le feoffee. Mes si vn auter e-stranger ouste le termour, donques il aua briefe de Eiectione firmæ vers luy. Et en ceux deux briefes il recouera le terme & ses dammages.

365 Quare impedit.

Quare impedit, est vn briefe, & gist lou ieo ay aduowson, & le Parson deuie, & vn auter presenta son clerke, ou disturbe de presenter, donques ieo aua le dit briefe. Mes Assise de Darreine p-sentment. gist lou ieo ou mon auncestors ont present deuant. Et lou home poit au Assise de Darrain presentment, il poit auer vn Quare impedit, mes nemy contrarie.

Auxy si le plee soit de pendant enter deux par-

Quare eiecit infra terminum.

Quare eiecit infra terminum, is a writ, and it lyeth where one maketh a lease to another for terme of yeares, and the lessor infeoffeth another, and the feoffee putteth out the termour, then the termour shall haue this writ against the feoffee. But if an other stranger put out the termour, then hee shall haue a writ de Eiectione firmæ against him. And in these two writs he shall recover the terme & his damages.

Quare impedit.

Quare impedit, is a writ, and it lyeth where I haue an aduowson, and the Parson dyeth, and another presenteth his Clerke, & disturbeth me to present, then I shall haue the said writ. But Assise de Darreine presentment lyeth where I or my auncestors haue presented before. And where a man may haue an Ass. de Darrain presentment, he may haue a Quare impedit, but not contrariwise.

Also if the plee bee depending between two par-

ties

the, nor he not dispensed
within six months, then
the Bishop may present by
lapar, & he that hath right
to present, shall recover his
damages, as it appereth
by the Statute of West. 2.
cap. 5. therefore he the Sta-
tute. Also if he that hath
right to present after the
death of the Parson, and
bringeth in Quare impe-
dit, mox. Dantine present-
ment, but suffereth a stran-
ger to usurpe upon him,
yet he shall have a writ of
Right of advowson: But
this writ lyeth not, un-
less he claimeth to have the
advowson to him and his
heires in fee simple.
Quare incumbravit.
Quare incumbravit, is a
writ, and it lyeth where
the advowson is in fee
simple, & the Bishop ad-
voweth the Clerk of one
within the vij. years,
then he shall have
this writ against the Bi-
shop. But this writ lyeth
not hanging the plea.

ies & ne soit dispense
ni n' moys, donques le B.
uecq; presentera per lapa-
r, & cesty que ad droit de p-
senter, recouera damages
come appiert p l'estature
de West. 2. cap. 5. idco vide
statut. Auxy si cestuy que
ad droys de presenter a-
pres le mort del Parson, &
ne pourra Quare impedir,
ne Dantine presentment,
mes suffer vn estrange de
usurper sur luy, vncore il
advera vn brieve de Droir
de advowson. Mes cest bfe
ne gist si il ne clame dau
advowson a luy & ses
heires en fee simple.

Quare incumbravit, est
vñ bñe, & gist l'ou deux
soit éplee put l'advowson,
& Leuecq; admitt le clerk
dun de eux deins le sixe
mois, donques il auct cest
bfe vers la Pasque. Mes
cest bfe gist tous soit pé-
dane le pice.

Quare intrusit matrimo-
nio non satisfacto.
Quare intrusit matrimo-
nio non satisfacto, is

Quare intrusit matrimo-
nio non satisfacto, est
vñ bñe, & gist l'ou deux
soit éplee put l'advowson,
& Leuecq; admitt le clerk
dun de eux deins le sixe
mois, donques il auct cest
bfe vers la Pasque. Mes
cest bfe gist tous soit pé-
dane le pice.

The exposition of

vn bfe, & gift lou le Seignior profera conuenable marriage a son gard, & il refusa & entra en la terre, & loy marrie a vn autre, donques le Seignior auer cest brieve vers luy.

368 Quare non admisit.

Quare non admisit, & vn brieve, & gift lou home ad recouer vn Aduowson, & il maunda son conuenable clerke al Euesq; pur este admiste, & le Euesq; ne voille luy receiuer, donques il aua le dit bfe vers le Euesque, Mes brieve de Ne admittas gift, lou deux sont en plec, si le plaintife suppose que Leuesq; voit admit le clerke le defendant, donques il poit auer cest brieve al Euesque, luy commandant que il ne luy admiste pendant le plec.

369 Quarentine.

Quarentine, est lou home deuie seise de vn mannor place & dauters terres, dont la feme doyt estre endowe, donques la feme tiendra le en le mannor place, & la vine

a luyt, & it lyeth where the Lord proffereth conuenable marriage to his ward, and he refuseth and entereth into the land, and marrieth himselfe to another, then Lord shall haue this luyt against him.

Quare non admiste.

Quare non admiste, is a luyt, & it lyeth where a man hath recovered an aduowson, and he sendeth his conuenable clerke to the Bishop to be admitted, and the Bishoppe will not receiue him, then he shal haue the said writt against the Bishop. But wher it is Ne admittas gift, wher two be in plec, if the plaintife suppose that the Bishop will admit the clerke of the defendant, then he may haue this luyt to the Bishop, commanding him not to admit him during the plec.

Quarentine.

Quarentine, is where a man dyeth seised of a manor place & other lands, wherof the wife ought to be endowedy, then the woman may abide in the manor place, and there

of the Roze & pofles the de le Roze & pfin de ceo
of the fpace of foure daies, per quarant iours, deins
within which time her do- quel temps la Dower fers
her fhall be affigned, as it a luy assigne y come ap-
peareth in Magna charta, prior in Magna charta,
cap. 6. on aluiga & dunt cap. 6.

370 Quid iuris clamar.

Quid iuris clamar.

Quid iuris clamar, is a **Q**uid iuris clamar, est vn
fozt, and lyeth where brieft, & gift louico
I graunt the reuerfion of grant le reuerfion de mon
my tenant for term of life tenant a terme de vie per
by fine in the Kings court, fine en Court le roy, & le
and the tenant will not at- tenant ne voit attourner,
torne, then the grantee fhall donquer le grauntee aua
haue this fozt for to con- cest brieft pur luy chafet
pell him to attorne. Buta pur attourner. Mes brieft
mayt of Quem redditum de Quem redditum reddit
reddit lyeth where I grant gift louico grant per fine
by fine a rent charge, or an vnrent charge, ou aurer
other rent which is not rent que nest rent feruice
rent feruice which my te- quel mon tenant tient de
nant holdeth of me, and the moy, & le tenant ne voit
tenant will not attorne, attourner, doques le gran-
then the grantee fhall haue tee auera cest brieft. Et
this fozt. And a fozt of brieft de Per qui feruicia
per qui feruicia lyeth in gift en femble cafe pur fer-
the cafe for rent feruice. feruice.

Auxy si ico graunt illi, **A**uxy si ico graunt illi,
diuers rents to one man, diuers rents a vn homme, &
and the tenant of the land le tenant de terre attour-
neth to the grauntee na al grauntee per pay-
ment of a peny, or of ment de vn denier, ou
of half peny in the name vn male en nofme de ar-
atournement of all the tournement de routs ceur
rents, this atournement fhall rent, cest atournement luy

The exposition of

quintre en seisin de tout put him in seisin of all the
 censures. Mes ceux trois rent. But these thre warres
 briefes couient estre port ought to bee brought a-
 vers eux que sont tenants gainst those which are to-
 jour del more leue, & vers nants on the top of the more
 nul auters. .d. q. c. leued, & against no other.

Quinzisme. V. **Fifteenth.** O. **Fifteenth.** is a payment
 granted in Parliament
 to the King by the Com-
 mons al Roy per les poeple, namely, the
 jayes, genges, cesses, & c. tenth part of their goods:
 le quinzeime part de leur And it is soe, when in aunc
 biens. Et fuyt le en aunc-ent time to be leued upon
 cient temps de la leue. that Castell going in their
 sur leur auers estants en groins, which thing was
 leur terres, que chose n'este troublelome, no
 fuit, n'est troublelome, & therefore n'est le the most
 pur ceo a ore pur le plus part, that for is altered,
 part, n'est voy est alter, & then is le leue the same
 il n'est de leue ces perles by the Parle, or Treas, or
 Verges, ou Acre, ou autre, other measure of land.
 mesure de terre, per res. By meanes whereof it is
 son de que il est a ore n'est le troublelome, and
 meins troublelome, & plus meins certain then before it
 seroit que deus il fuit. And euerie Towne
 Et chescun Ville, & Pays and Countrey doe know
 selonc quel somme est, what summe is to be paid
 de la plus personne ou de among them, and how the
 comars, & de la plus. Some shall be rapled, and
 Nou legimus que Moy reads that Moyses knew
 les fuit le primer que the first that did number
 number le people, car the people, for her num-
 al number les Israelites, & had the Israelites, and
 pur ceo le primer Taxe, therefore the first Taxe,
 subsidie,

subsidie, tribute, or fifteene subsidie, tribute, ou quin-
 zisme. Inuented by him a. zisme. Inuented by him a.
 mag the Hebrewes, as Po- ter les Hebrewes, com Po-
 lidore Virgil doth thinke. lidore Virgil suppose.

372. Quod ei deforceat.

Quod ei deforceat.

QVod ei deforceat, is a writ, & it lyeth where the tenant in the Taille, renant in le Taille, tenant
 tenant in Dower, or to en Dower, ou tenante
 for terme of life, les- terme de vie perde per
 seth by default in any acti- default en aucun action,
 on, then hee that leaseth- donques cesty que perde
 that hane this writ agaynst- auera cest briefe vers ce-
 him that recouereth, or a- luy que recouera, ou vers
 gainst his heire if he thinke son heire, si il entende
 that hee hath better right que il auoit meliour droit
 then hee which recovered, que il que recouera. Vide
 the statute Westm. 2. le statute Westm. 2. cap. 4.
 cap. 4.

373. Quod permittat.

Quod permittat.

QVod permittat, is a writ, & it lyeth where a man
 and it lyeth where a man
 is disseised of his common disseise de son common
 of pasture, & the disseisor de pasture, & le disseisor
 alieneth or dieth seised, and alien ou deuy seise, & son
 his heire entreteth, then if the heire aura, donques si le
 disseisee dye, his heire shall disseisee deue, son heire a-
 hane this writ. uera cest briefe.

374. Quo iure.

Quo iure.

QVoi iure, is a writ, and QVoi iure, est vn briefe, &
 it lyeth where a man a. gist lou home ad ewe
 hath had common of pa- common de pastur in au-
 sture in an other seneval- ter seneval de darrein sepa-
 el late within the time of reins le temps de memo-
 memory, then he to whom- rie, donques celui a que
 apper-

The Exposition of

appertient le seueral au-
ra cest bre, & il sert charge
de mise per quel title il
clame le common.

belongeth the seuerall
hane this writ, and he shal
be charged to thesre by
what title he claimeth the
common.

375 Quo minus.

QVo minus, est vn brief
& gift lou vn home ad
granta a vn aurer house-
bote & heibote in s6 boys
a. prender chescun an, &
celuy que fesoit le graunt
fait tel wast & destructio
que le grauntee ne poyt
auer son reasonable esto-
uers, donques le grauntee
auera le auantdit briefe,
& est e nature de brief de
wast.

Et nota, que housebote
est appel certain estouers
pur amender la meason.
Et heybote est certaine
estouers pur amender heys
& hedges.

Et est aurer briefe ap-
pel Quo minus, in le Es-
chequer, quel ascun fer-
mour ou debteur al roy
auera vers ascun aurer,
pur debt ou trespasse,
in le Exchequer in le of-
fice appelle le Common
pleas per que le plaintiff
surrat, que pur le sur-
sout, que le defendant fait

Quo minus.

QVo minus, is a writ, and
it lyeth where a man
both graunted to another
housebote's hepbote in his
wood to take euery yeare,
and he that made the grant
maketh such wast and de-
struction that the grauntee
cannot haue his reason-
ble estouers, then the gran-
tee shall haue the foresaid
writ, and it is in nature of
a writ of wast.

And note, that housebote
is called certaine estouers
to mend the house. And he-
bote is certain estouers to
mend heyes and hedges.

And there is an other
writ called a Quo minus,
in the Exchequer, which
any fermor or debtor to the
king shall haue against
any other, for debt or tref-
passe, in the Exchequer in
the office called the comon
pleas, by which the pt shall
surrender, that for & wrong,
which the defendant doth

to

in him, he is able to pay the King his debt of ferme, which is furnished to give Jurisdiction to the Court of Exchequer, to heare & determine the cause of the suit betwene them, which otherwise should be determined in another Court.

376 Quo warranto.

Quo warranto is a writ, & it lyeth where a man usurpeth to have any franchise upon the King, then the King shall have this writ, to make him to come before his Justices, for to shew by what title he claime such franchise.

R

377 Rationabilibus dimisis.

Rationabilibus dimisis is a writ, and lyeth where there are two Lordships in diuers Townes, and one might the other, and a my parcel of one Lordship, as of waste, hath bene encroched by little parcels, then the same Lord from whom the parcel of ground or of waste hath bene encroched,

a luy, il est meins able a payer le Roy son debt ou ferme, quel est furnise a don Jurisdiction al Court Dexchequer, doyer & terminer la cause del suit enter eux, quel autermes serroit determin en autre Court.

Quo warranto.

Quo warranto est vn bre, & gist lou hom viurpe daper ale franchise sur le Roy, donques le Roy aua cest briefe, de faire luy ven deuant les Iustices, pur monstre per quel title il claime tiel franchise.

R

Rationabilibus dimisis.

Rationabilibus dimisis e vn briefe, & gist lou sount deux Seignouries en diuers villes, & vn pres le autre, & ascun parcel de vn seignorie ou de waste ad este encroche per petits parcelles, & donques celui Seignieur de que le parcel de terre, ou le waste ad este encroche

X 4

aucra

372
sua cest bre enuets le Sht
que ad illint encrochie.

378 Rebutter.

Rebutter, est quant vir p
fait ou sine grâc de gar
rancer ascun terre ou he
reditament a vn auter, &
cestuy que fist le garranty,
ou son heire sua celuy a q
le garranty est fait ou son
heire, ou assignee, si ce
luy que est illint sua, plede
encounter cestuy que sua
le dit fait ou sine oue
garrantie, & demaunde
iudgement si encounter
cest garrantie le plaintife
sarra rescoine a deman
der le chose que il doit
garranter, encounter cel
garrantie per le fait ou
sine auant dist comper
nant tiel garrantie, tiel
pleder del garrantie est
appel vn Rebutter.

379 Redisseisin.

Redisseisin, Vide de cop
deuant on le dit Assise.

380 Registrator.

Registrator, est celuy que
ad blees, victuals, ou
autres choses sufficient pur

that hath this writ against
the Lord that hath the
reversion.

381 Rebutter.

Rebutter, is when one by
deed or sine graunter
conuoyant any land or he
reditament to another, and
yet which made the war
rantie, or his heire sue him
to whom the warrantie is
made, or his heire, or assignee
for the same thing:
now if he which is so sued,
pleadeth against him which
swore the oath & he or his
with warrantie, and de
mande iudgement if the
plaintife shall be receiued
to demand the thing which
hee ought to warrant, a
gainst that warrantie by the
deed or sine aforesaid com
prehending such warrant
ty, such pleading of a war
rantie is called a Rebutter.

Redisseisin.

Redisseisin, is when one
that hath the title Ad
uocatus in the title Ad
uocatus.

382 Registrator.

Registrator, is he that hath
the charge, pleades, or
other things sufficient for
his

de chose necessaie neede,
occupation, or spending,
and both neuerthelesse in-
gross and buy vp into his
hands moze cozne, viduals
or other such things, to the
intent to sell the same again
at a higher & better price,
in faires, markets, or such
like places, wherof soe the
statute 5. E. 6. cap. 14. he shall
be punished as a forefaller.

Reioynder.

Reioynder, is when the
defendant maketh an-
swere to the replication of
the plaintif.

And euery Reioynder
ought to haue these two
properties specially, that
is to say, it ought to bee
a sufficient answer to the
replication, and also to fol-
low and enforce the matter
of the barre.

Relation.

Relation, is a terme in
Law, where, in conside-
ration of Law, sometimes,
or other things, are consi-
dered so far as they inere all
ways and by this the thing
subsequent is said to take
the effect, by relation,

son necessary oeps, occu-
pation, ou expences, & ni-
ent obstant engrosse, & a-
chate en ses maines plus
blees, viduals, ou aut tielx
chofes, al entent de vend-
ce arere al vn plus haule
& chareptice, en Faires,
Markets, ou tiels sembla-
bles lieux: de que vide le
statute 5. E. 6. cap. 14. car il
sera puny cōc Forefaller.

Reioynder.

Reioynder, est quant le
defendant fait respons
al replication del plaintif.

Et chescun Reioynder
doit auer ceux deux pro-
perties specialmēt, cest a-
cauoir, il doit estre vn suf-
ficient respons al replica-
tion, & auxy de sublequer
& enforc' le matē del barre.

Relation.

Relation, est vn terme en
Ley, lou, en considerati-
on del ley, deux tēps, ou
autres choses, sont consi-
deres tielmt, come si fue-
ront tout vn, & per ceo le
chose subsequēt est dit de
prendre son force, p relation

al

al temps pcedent: Sicom
vn deliuer vn escript al vn
desire deliuer al aus com
fait cestuy que ceo deliuer,
quant l'auter, a que serroit
deliuer, ad pay asc' summe
de monney, ore, qut le mo-
ney est pay, & lescript de-
liuer, ceo serra reputé cōe
fait cestuy que ceo deliue-
ra, al temps quat fait pri-
mes deliuer. Et issint pe-
titions de parliament, as
queux le roy assent al dar-
rein iour del parliament,
aueront relation, & pren-
dront leur force del prin-
iour del commencement del
parliamt. Et issint est de
diuers autres choses sem-
blables.

383

Release.

Release, est le don ou dis-
charge del droyt ou a-
ction que asc' eit ou claim
euers auter, ou son
terre.

Et le release de droit est
cōmunement fait quant vn
se soit vn fait a vn auter p
ceux ou tiels parolz, Re-
misse, relaxasse, & omni-
no pro me & hered meis
quiet clausse. A. Excomm
iuramentum quod habui ha-

la

at the time pceding: And
if one deliuer a writing to
one to be deliuered to ano-
ther, as the deede of him
who deliuered it, when the
other, to whom it shoud
be deliuered, hath payed a
summe of money: Now,
whē the mony is paid, and
the writing deliuered, this
shall be taken as the deede
of him who deliuered it, at
the time when it was first
deliuered. And so petitions
of Parliament, to which
the king assents on the last
day of parliament shall re-
late and be of force from the
first day of the beginning
of the parliament. And so
is it of diuers other like
things.

Release.

Release, is the giving or
discharging of the right
or action which any hath
or claymeth against ano-
ther, or his land.

And the release of right
is commonly made when one
maketh a deede to another
by these or like wordes, Re-
mised, relaxed, and betech
for me and my heires quiet
claimed to. B. I. all my
right that I haue, or by
any

any

any maner may haue here beo, seu quouismodi in fu-
 after in our Weshinge &c. iur habere potero in vno
 But these wordes (whatso- mesusagio &c. Mes ceux
 ever I may haue hereafter) parols (quouismodo habe-
 be void: For if the father be re potero) sont voids: Car
 released, and the son release si le pere soit disceise, & le
 by his bond of release with- ses release per son fait de
 out warranty all his right, release sans garranty de
 by these wordes (whatsoe- tout son droit, p ceux pa-
 ver I may haue hereafter rols (quouismodo in futu-
) and the father dieth, the rum habere potero &c.) &
 son may lawfully enter in le pere morust, le ses poit
 the possession of the dissei- loialement enter sur le pos-
 sion le disseisor.

Also in a release of right Auxy en vn release de
 it is needfull p he to whom droit il couient que il a
 the release shall be made, que release serra fait, ad
 have a freehold, or a posses- vn franktenement, ou vn
 sion in the lande in deed or possession en les terres en
 law, or a reversion, at the faite ou en ley, ou vn re-
 time of the release made, uersion al temps de le re-
 by if hee haue nothing in lease fait, car sil nad riens
 the land at the time of the en le terre al temps de re-
 release made, the release lease fait, le releale ne ser-
 shall not be to him availe- ra a luy availeable. Vide
 ble. See more hereof in plus de ces Litt. lib. 3. ca. 8.
 Lin. lib. 3. cap. 8.

384 Reliefe.

Reliefe, is sometimes a
 certaine somme of mo-
 ny that the heire shall pay
 to the Lord of whom those
 lands are holden, which
 after the decease of his an-
 cestor are to him discein-
 ded as next heire, Some-

Reliefe.

Reliefe, est ascun foiz vn
 certain somme de mo-
 ny que le heire payera al
 Seignior de que ceux ter-
 res sont tenus, queux aps
 le decease de son ances-
 tour sont a luy disceinde
 come prochain heire, Af-
 can

eum foits il est le paymēt times it is the payment an
 dunt autre chose, & nemy an other thing, and not an-
 money: Et pur ceo reliefe nep: The mercer's reliefe
 n'est certain, & semblable is not certaine, and like
 par toutes tenures, mes for all tenures, but every
 chescun sundry tenure ad sundry tenure hath (for the
 (pur le plus part) son spe most part) his speciall Re-
 dial reliefe certaine in luy lief certain in it selfe:
 mesme. Neque est reo Whether is it to be paid at
 destre paie tous foits al wayes as a certaine age
 vn certain age, mes il va but varieth therein also ac-
 ry in ceo auxy accordant cording to the tenure. As
 alternure. Com si le tenant if the tenant hath lands
 ad terres tenues per seruice holden by knightes ser-
 de chivaler (forpris grand vice (except grand Ser-
 Sericantie) & moralt, son anty) and die, his heire be-
 heire ekeant de plein age ing as full age, and held his
 & tient ses terres per le lands by the seruice of a
 seruice dun entier fee de whole knightes fee, the
 chivaler, le Seignour de Lord of whom these lands
 que ceux terres sont issint are so holden, shall haue of
 reus, auera del heire es, the heire an hundred shil-
 nomine Releuij, & si il ti lings in the name of the
 ent per meins q vn fee de Releuse, and if hee held by
 chivaler, il paiera meines, lesse then a knightes fee
 & si plus, donques plus, shall pay lesse, and if more
 ayant respect toutes foits then more, hauing respect
 al rate pur chescun fee de alwaies to the rate for eu-
 chivaler vn cent souz. Et ry knightes fee C. x. And
 si rent per graund Seric- if he held by grand Ser-
 anty (que est toutes foits anty (which is alwaies
 del Roy, & est auxy ser- of the King, and in his
 uice de chivaler) donques knightes seruice) then the
 le Reliefe sera le value Reliefe shall be the value of
 del terre per an, pretor the land by the year; ther-
 toutes charges issint fore all charges issint
 out

out of the same. And if the hors de ceol. En si le terre
lands bee holden in petite soit tenu en petit Serio-
mercantis, or in socage, antio, ou en Socage,
then for the relieve the heire donques pur le reliefe le
shall pay at one time, as heire payera al un foies
much as hee ought to pay tant que il doit payera
yearly for his service, annuellement pur son ser-
vice, which is commonly cal- uice, quel est commun-
led the doubling of the ment appelle le doubling
rent. del rent.

And if a man hold of the Auxy si hom tient de le
King in chiefe, and of other Roy en chiefe, & des auts
Lords, the King shall Seignieurs, le Roy auera
have the worde of all the le garde de tous les fers,
lands, & the heire shall pay & le heire payera Reliefe
reliefe to all the Lords at a toutes les Seignieurs a son
his full age; but the Lords plein age, mesmes Seigni-
shall sue to the King by re- rurs al Roy par pres-
ntion, and shall have the rion, & aueront le ser pur
rent for the time that the letre que le Enfant hait
Infant was in ward. en garde.

And note, that alwayes En nota, que toutes foies
when the Reliefe is due, it quant le Reliefe est due, il
must be paid at one whole doit estre pay al un entier-
payment, and not by parts, payent, & ne par parties,
although that the rent bee nient obstant q le denier
to be paid at several feasts. de den pay al plusieurs feasts.

Remainders.

Remainder of land is the R. Emâinder de terre est
land that shall remaine pur la terre que restera
after the particular estate après le particulier estat
determined: As if one determine: Comme si un
graunt land for terme of graunt terre pur terme de
years, or for life, & remaine ans, ou pur vie, le re-
der to J. S. that is to say, mainder al J. S. c'est adire,
que

The Exposition of

que quant le lease pur ans
est determine, ou le leasee
pur vie est mort, que don-
ques le terre remaignera,
serra, ou abide, que, al, ou
en l. S. Vido Reuerfion.

386 not Remitter.

Remitter, est quauc vn
home ad deux titles a
ascun terre, & il vient al
terre per le darrenne title,
vncore il sera adiudge
eins per force de son plus
eignotile, & ceo sera dit
a luy vn remitter. Come
tenat en le taile discon-
tinu le taile, & puis dis-
seise son discontinuee &
morust enc seise, & les f-
mes descendont a son issue
ou cosin inheritable per
force del taile, en ceo case
li heif en son Remitter, est
ascavoir, seise per force
del taile, & le title del dis-
continuee est ousterment
ancien & defere, & lo rea-
son & cause de tiel remit-
ter est, pinc que tiel heif
ascendant del taile, & nest
ascun person tenant vers
qu'il soit suer son briefe
de Formedone pur reco-
uer le estate taile, car il ne
puit auer action vers luy
mesme.

that when he lease for yeres
is determined, or leasee for
life is dead, that then the
land shall remaine, shall be,
or abide, with, to, or in l. S.
Vido Reuerfion.

S. S. Reuerfion.

Remitter, is when a man
hath two titles to any
land, & hee cometh to the
land by the last title, per he
shall be iudged in by force
of his elder title, and that
shall be said to him a Re-
mitter. As if the tenant in
the taile discontinue the
taile, & after disseiseth his
discontinuee & dyeth there-
of seised, and the lands dis-
cendeth to his issue or co-
sin inheritable by force of
the taile, in that case he is
in his Remitter, that is to
say, seised by force of the
taile, and the title of the dis-
continuee is utterly ou-
stilled & defented, and the
reason and cause of such re-
mitter is, for that that he
doth heif is tenant of the land
& there is no person tenant
against whom he may haue
his writ of Formedon for
to recover the estate taile,
for he may not have any ac-
tion against himselfe.

Also if tenant in the tail Auxy si censunt en le
 incoffe his sonne or heyre rayle encoffa son fis ou
 apparant in the tail which heire apparant en le taile
 is within age, and after di- que est deins age, & puis
 eth, that is a remitter to deuie, ceo est vn remitt al
 the heire: But if he soere of hse: Mes si il fuit de plein
 full age at the time of such age al réps de tiel seoffe-
 troffement, it is no remitt- ment, il nest Remitter, pur
 er, for that that was his ceo que il fuit son folly,
 folly, that he being of full que il esteat de plein age,
 age, should take such a se- voyle prendre tiel seoffe-
 ment. ment.

Also if the husband ali- Auxy si le baron alien
 en landes that he hath in terre que il ad en le droyt
 the right of his wife, and son feme, & puis reprist e-
 after take an estate againe son feme, & a son feme
 to him and to his wife for state a luy & a son feme
 of their lines, that pur terme de leur vies,
 he Remitter to the wo- ceo est vn Remitter al
 man, for that that this a- feme, pur ceo que cest a-
 alienation is the act of the lienation est le act le ha-
 husband, and not of the wo- ron, & nemy last de la
 man, for no folly may be feme, car nul folly poit
 aduoged in the woman este adiudge en feme da-
 during the life of her hus- ranele vie le baron: Mes
 band: But if such alienati- si cyel alienation soit per-
 on be by fine in court of re- fine en Court de recorde,
 cord, such a taking againe tiel reprisel apres al ba-
 forward to the husband e- ron & feme pur terme de
 shall for term of their lines leur vies ne soit la-
 shall not make a woman to feme desire en sa Re-
 in her remitter, for that mitter, pur ceo que vn
 in such a fine the woman cyel fine la feme: Et
 shall be examined by the examine per le iudge,
 iudge, and such examina- & tielx examinations
 on in fines shall exclude en Fines excluderont
 tielx

The Exposition of

diels fimes a tous iours.

such women for ever.

Auxy quant le entre de
ascu home est congeable,
& il prist estate a luy quâr
il est de plein age, sine soit
per fait endent, ou matter
de record, q luy estoppe-
ra, ceo serra a luy bon Re-
mitter;

Also when the entre of
any man is lawful, & he ta-
keth an estate to him when
he is of full age, & it be not
by deed inferreth, or matter
of record, which shall estop
him, that shall bee to him a
good Remitter.

Rents sont en disus man-
ners, cestascavoir, Rent
service, Rent charge, &
Rent secke.

Rents be in thre man-
ners, that is, Rent ser-
vice, Rent charge, & Rent
secke.

Rent service, est lou le
tenant en fee simple tient
la terre de son Sür per fe-
alite & certaine rent, ou
per aut service & rent, &
dons si le rêt de le tenât
soit arere, le Sür poit di-
straine pur le rent; Mes
pur ceo il iammais nauer
action de debt.

Rent service, is wher
the tenant in fee simple
holdeth his land of his la-
dy fealty and certain rent,
or by other service & rent,
and then if the rent of the
tenant be behind, the la-
dy may distraine for the rent:
But for that hee shall not
have an action of debt.

Auxy si ceo done terres
en le taile a un home pay-
ant a moy certain rêt, ou
iel rent est rent service:
Mes en tiel case il couient
que la reuerſion soit en le
donor, Car si home fait
seoffement en fee, ou un
done en taile, le remain-
der ostter en fee sans fait,
a luy un rent, n'iel
reservation est voyde,

Also if I give land in
taile to a man paying to
me certain rent, then such
rent is rent service: But
in such case it behooveth
that the reversion be in the
donor: For if a man make
seoffement in fee, or a gift
in taile, the remainder not
without deed, reser-
ving to him a certain rent,
such reservation is voyde,

and

and that in by the Statute. *Quia emptores terrarum* & reo est p force del fra-
Quia emptores terrarum & reo est p force del fra-
 and then hee shall hold of rum, & donques il tie dra
 the Lord of whom his lan- de lo Seignior de que son
 may holden. *donor tenoit.*

But if a man by deede. *Mes si hom per fait in-*
 indentured of this day make dent a cel iour fait tiel do-
 such gift in tale, the re- ne en le taile, le remaing
 mainder ouer in fee, or ouster en fee, ou leffa pur
 lease for terme of life, the term de vie le remainder
 remainder ouer, or a house- ouster, ou vn seoffement,
 ment, & by the same inden- & per mesme l'indenture
 ture reserve to him rent, & reserve a luy vn rent, &
 that if the rent be behinde, que si le rent soit arriere, q
 that well it is lawful to bien suron a luy a distrai-
 him to distraine, then such nre, ore tiel rent est rent
 rent is rent charge. charge.

But in such case if there. *Mes en tiel case, si la ne*
 be not any such clause, of soit aucun tiel clause de
 distress in deed, then such distress en le fait, doques
 rent is called rēt seck, & la- tiel rent est appel rēt seck,
 such rēt seck he shall never & pur tiel rent seck, il ne
 distraine, but if hee were iammais distrainers, mes
 once leased, he shal have as- si fuit vn fois seisi, il averta
 sise, and if he were not sei- Assise, & si il iammais ne
 sed, he is without remedy, suis seisi, est sans remedy.

And if one graunt a. *Auxy si vn graunt vn*
 rent going out of his land rent issuant hors de sa fre
 with clause of distress, that oue clause de distress, cest
 is rent charge, and if the vn rent charge, & si le
 rent be behinde, the graun- rent soit arriere, le grauntee
 tee may come to distraine poit eslier de distraire ou
 upon a writ of Annuitie, sur vn brieve Danniuitie,
 but he cannot have both, mes il ne poit aver ambi-
 tute, for hee having a writ of deux, car il port brieve de
 Annuitie, then the land is Annuitie, doques le fre est
 Y dis.

The exposition of

discharge. Et sil distraine & anowe le praisell en Court de recorde, donques le terre est chargee & le person del grantor discharged. **Discharge.** And if he distraine and anowe the taxell in the Court of Record, then the land is charged, and the person of the grantor discharged.

Auxy si vn grant vn rent charge, & le grantee purchase le moitie, ou aucter part ou parcel de le terre, de quelq; petit value que il soit, donques tout le rent est extinct. **Also if one grant a rent charge, and the grantee purchaseth half, or any other part or parcel of the land, of whatsoever small value it be, then all the rent is extinct.**

Mes en rent service file. Seignior purchase parcel del terre, donques le rent sera apporcion. **But in rent service if the Lord purchase parcel of the land, then the rent shall be apporcioned.**

Mes si vn ad vn rent charge, & son pere purchase parcel del terre, & cel parcel descende a le fils que ad le rent charge, ore cel rent sera apporcion solonque le value del terre, come est dit de rent service, pur ceo que le fils ne vient a ceo per son service, for that he the sonne acq demesne, mes per discharge. **But if one hath a rent charge, and his father purchase parcel of the land, and that parcel descendeth to the sonne which hath the rent charge, then the rent shall be apporcioned according to the value of the land, as it is said of rent service, for that the sonne cometh to that not by his own acq, but by descent.**

Auxy si ceo face vn lease pur terme dans reserve a moy vn certain rent cest appel vn rent service, & par ceo il est a mon liberte a distrainre pur le rent, ou auec vn action de debt, **Also if I make a lease for terme of years reserving to me a certain rent this is called a rent service, & by that it is to my liberty to distrain for the rent, or to have an action of debt,**

debt,

debt, but if the lease be determined, and the rent be behinde, then I cannot distraine, but shall be put to my action of debt.

And note well, that if the Lord be seised of the service & rent before said, and they be behinde, and he distrain, and the tenant rescue the distresse, hee may haue Wille, or a writ of rescous, but it is more necessarie for him to haue assise, then a writ of rescous, for that by assise he shall recover his rent & his damages, but by a writ of rescous hee shall not recover but damages, & the thing distrained shall be repleied.

And note well, that if the Lord be not seised of the rent and service, and they be behinde, and he distraine for them, and the tenant take againe the distres, hee shall not haue Wille, but a writ of Rescous, and the Lord shall not need to shew his right.

And note well, that if the Lord may not finde a distres by two years, hee shall haue against the tenant a writ of Cessauit per bien-

der, mes si le lease soit determine, & le rent soit arriere, d'ouques ieo ne puisse distraire, mes serra mis a mon action de Dette.

Et nota, que si le Seignior soit seise des seruices & rent auantdits, & ils soient aderere, & il distraire, & le tenant rescue le distresse, il poit auer Assise, ou brieve de Rescous, Mes il est plus necessarie pur luy de auer Assise, que brieve de Rescous, pur tant que per Assise il recouera son rent & ses damages, mes p cest brieve de Rescous il ne recouera mes damages, & le chose distraire serra repleie.

Er nota, que si le Seignior ne soit my seise del rent & seruice, & ils sont aderere, & il distraire pur eux, & le tenant reprent le distresse, il ne poit my auer Assise, mes brieve de Rescous, & ne couient my al Seignior de monstre son droit.

Et nota que si le Seignior ne poit my trouer distresse per deux ans, il auer vers le tenant brieve de Cessauit per bien-

The exposition of

nium, vt patet per lēstature de Westminster 2. cap. 21. Et si le tēnaunt deuie en le meane temps, & son issue enter, le Seignior auera vers le issue briefe de Entre sur Cessauit, ou si le tēnaunt alien, le Seignior auera vers le alienee le auantdit briefe. Mes si le Seignior ad issue & deuie, & le tēnaunt soit en arrearages del dit rent & seruices en le tēps le pere del issue, & nemy en le temps del issue, il ne poit my distraire pur arrearages en tēps son pier, & naura aucun auter recouerie vers le tēnaunt ou aucun auter, pur ceo que niel aduantage est donec per le ley al tēnaunt. Et nota, que rent seruice est ceo a quel appent fealtie, mes a rent charge & rent secke ne appent pas fealtie, mes il appent a rent seruice de common droit.

Et nota, si home distraint pur rent charge, & lo distresse soit rescue de luy, & il ne soit my seise aduauant, il ne ad my recouerie forsque per

nium, as it appeareth by the statute of Westm. 2. cap. 21. And if the tēnaunt die in the meane time, and his issue enter, the Lord shall haue against h issue a writ of Entre upon Cessauit, or if the tēnaunt alien, the Lord shall haue against h aliene the foresaid writ. But if the Lord haue issue & die, and the tēnaunt be in arrearages of the said rent and seruice in the time of the father of the issue, and not in the time of the issue, he may not distraire for the arrearages in h time of his father, and he shall haue none other recouerie against the tēnaunt or any other, for that that such aduantage is given by h law to h tēnaunt. And note well, that rent seruice is that to the which belongeth fealty, but to rent charge and rent secke belongeth not fealty, but it belongeth to rēt seruice of common right.

And note, that if a man distraint for rent charge, & the distres be taken against his will from him, and he was neuer seised before, he hath no recouerie but by writ

sozt of Rescous, soz the distresse first taken giueth not to him seisin, only if he hap the rent befoze, soz if hee were seised of the rent befoze, and after the rent be behind, and he distraine, & rescous to him be made, hee shall haue Affise, oz a sozt of Rescous.

And note well, that in euery assise of rent charge and annuell rent, oz in a sozt of Annuitie, it beho- ueth to him that bringeth the sozt, to shew sozt an especialtie, oz else hee shall not maintaine the Affise. But in an Assise of Mort- dancier, oz Formdone in the discender, oz other sozits (in the which title is giuen oz comprised) brought of rent charge, oz annuell rent, it needeth not to shew the especialty.

And note well, that if a man graunt a rent charge to another, and the grantor release to the grantee per- cent of the rent, yet all the rent is not extinct.

And note well, that if rent charge be granted to two iointly, and the one release, yet the other shall

briefe de Rescous, car le distresse primerment fait ne don a luy seisin, forsque sil happe le rent adeuant, car sil fuit seisi del rent a- deuant, & puis le rent soit aderere, & il distraine, & rescous a luy soit fait, il a- uera Affise, ou brief de res- cous.

Et nota, que in chescun assise de rēt charge & an- nual rent, ou in vn bře de Annuiry, couient a coluy que port le brief, de mon- stre auant vn especialtie, ou autrement il ne main- tainera le Affise. Mes in Assise de Mortdancier, ou Formedon in le discē- der, & autres briefes (in les queux title est don ou comprise) port de rent charge, ou de annual rēt, nest my besoigne de mō- stre especialty.

Et nota bien, que si hōc grant rēt charge a vn au- ter, & le grantor releffa al grantor parcel de le rent, vncor tout le rent nē ex- tinct.

Et nota bien, que si rent charge soit graunt a deux iointment, & le vn releffa, vncore le autre auera

The Exposition of

auera le moity del rent. Et auxy si lun purchase le moitie de le terre dont le rent est issuar, l'auter auera le moitie del rent de sa compaignon: Et si le disseisour charge la terre a vn estrange, & le disseisee port le Assise & recouer, le charge est defaite. Mes si celuy q'ad droit, charge la terre, & vn estrange faine vn faux action enus luy que nad droit, & recon per default, le charge demurra.

Et nota bien, que en case que purparty soit penterer deux parteners, & puis terre soit allotie a lun que a l'auter, & el que ad puis del terre, charge la terre al'auter, & el happe le rent, el maintainera assise sans especialty.

Et est vn rent secke, lou home tyent de moy per homage, fealtie, & auter seruices, redant a moy vn certain rent per an, & leo grant cest rent a vn auter, reseruant a moy les seruices.

Et nota bien, que si est

hane the halfe of the rent. And also if the one purchase the halfe of the land whereof the rent is going out, the other shall hane the halfe of the rent of his companion: and if the disseisor charge the land to a stranger, and the disseisee bring an Assise and recouer, the charge is defeated. But if hee that hath right, chargeth the land, and a stranger faine a false action against him which hath no right, and recovereth by default, the charge abideth.

And note well, that in case that partition bee between two parteners, and moie land be allotted to one then to the other, & he that hath moie of the land, chargeth her land to the other, & he happeneth the rent, he shall maintaine assise without especialty.

And it is a Rent secke, where a man holdeth of me by homage, fealtie, and other seruice, reding to mee a certain rent by the yeare, and I graunt this rent to another, reseruing to me the other seruices.

And note well, that if res secke

secke be granted to a man
to his being, and the rent
be behind, and the grantor
die, the heire may not be-
drowne nor shall recover the
arreages of the time of
his father, as it is before
said of rent service.

And in the same manner
it is in law of rent charge
or annuall rent. But in all
these rents before said, the
heire may have for the ar-
reages in his time, that
such abundance as his fa-
ther had in his life. As the
Stat. 32. H. 8. cap. 37.

And note well, that in
rent seck, if a man be not sei-
sed of the rent, & he be behind,
he is without recovery, for
that that it was his own
folly at the beginning, that
the rent was granted to him
or reserved, that hee should
not be seisin of the rent, as a
rent of time grace.

And note well, that a
man may not have a Ces-
savit per biennium, or an-
other part of Centre sur
Cessavit for no rent seck
behind by two yeares, but

secke soit grant a vn hom
& a les heirs, & le rent soit
aderere, & le grantor de-
cuj. le heire ne pourra my
distraire, ne recouera les
arreages de temps son
pere, sicome est auantdit
de rent service.

Et en mesme le maner
est adire de rent charge ou
annuall rent. Mes en toutes
les rents auantdis le heir
pourroit auer pur arreages
en son temps de sa vie, si el
aduantage eoe auoit son
pere en la vie. Vide Statu-
tum 32. H. 8. cap. 37.

Et nota que en rent
secke si home ne soit seisin
del rent, & il soit aderere,
il est sans recovery, pur ce
q il fuit son folly demieln
adeprimis ont le rent fuit
graut a luy ou reservee,
que il ne prist my seisin
del rent, sicome vn denier
ou deux.

Et nora que home ne
poyt my auer Cessavit
per biennium, ou vn au-
ter brieve Dentre sur Ces-
savit pur nul rent secke
aderere per deux ans, mes

The Exponen of

ils puront tantoleint pur
rent service, & patet in le
statute W. 2. c. 21.

Et nota que en rent
seck il couient pur luy que
sue pur le rent secke pur
monstre fait a tenant, ou
auterment le tennant ne
serra my charge del rent,
forque jou le rent secke
fuit rent service adenant,
come en cest case. Seig-
nour meine & tennant,
& chescun de eux dient de
auter per homage & feal-
tie, & le tennant del me-
ne per x. s. de rent, le Seig-
nour paramount purchale
les terres ou tenemens
del tennant, tout le Seig-
nour del meine, forsprise le
rent est extinct: Et pur
cest cause cest rent, est
deuenus rent secke, & le
rent service change, car il
ne poit distraire pur cest
rent, & en cest case ce-
luy que demaunda le rent
ne sert iammes charge de
monstre fait.

Auxy en brieve de Mor-
dancesher, Aile ou Beiaile,
de rent seck, il ne besoign
de monstre specialite,
pur ceo que ceux brieves

ont pur rent service, as it
appeareth in the Statute
W. 2. c. 21.

And note with, that in
rent secke it behooveth him
that weth for the rent secke
to shewe a deed to the
tennant, or else the tennant
shall not bee charged with
the rent, but where the
rent seck was rent service
before, or in this case
Lord meine and tennant,
and eache of them holdeth
of other by homage & feal-
tie, and the tennant of the
meine by x. s. a rent, the
Lord paramount purcha-
seth the lands or tenements
of the tennant, all the Drig-
nour of the meine, but the
rent is extinct: And for
this cause this rent is be-
come rent secke, and the
rent service changed, for
he may not distraire for
this rent, and in this case
he that demaundeth the
rent shall never be charged
to shewe a deed.

Also in a writ of Mor-
dancesher, Aile, or Beiaile,
of rent secke, it needeth
not to shewe a specialite
for that these writtes
of

of possession bee comprised in a title within themselves, that is to say, that the ancestor was seised of the same rent, and continued his possession, by cause of which seisin the Law supposeth that it is an enerrable by the countrey.

Yet leaue, for some suppose that it behooueth of necessity, to shewe forth a breede, for that that rent becometh a thing against common right, as well as rent charge.

But in Assise of Nouel disseisin, and in a writ of Entre sur disseisin brought of rent seck, it behooueth of necessity to shewe forth a breede, for that that rent secke is a thing against a common right, except in the case before said, where it was rent seruice before, and by the act of Law it is become a rent secke.

And assise of Nouel disseisin, and a writ of Entre sur disseisin, containe within them no title, but suppose a disseisin to bee done to the plaintife, and of the intendment of the Law,

de possession comprenant vn titre deins eux memes, cestascavoir, que le auncestour fuit seisi de mesm le rent, & continua son possession, per cause de quel seisin le ley suppose que est auxy auerrable per la pays.

Tamen quere, car assise supposant que il couient a fine force a monstre auant fait, pur ceo que rent seck est vn chose encounter common droit, auxibien come rent charge.

Mes en Assise de Nouel disseisin, & en brief de Entre sur disseisin port de rent seck, il couient de fine force de monstre auant fait, pur ceo que rent seck est vn chose encounter common droit, si non en le case suisdit, ou il fuit rent seruice adeuant, & par last del Ley est deuenus rent secke.

Et Assise de Nouel disseisin, & briefe de Entre sur disseisin, ne conteigne deins eux nul title, mes supposant vn disseisin deste fait a le plaintife, & de entendment del Ley,

le

The Exposition of

le disseisin ne done nul the disseisin giveth no
cause de auerrement en- cause of auerment against
counf common droit, mes common right, but of ne-
de fine force il monstra a- cessitie it becometh to be in
uant especialtie. forth a deed.

322 Repleuin.

Repleuin, est vn brieve,
& gist quaut aucun
home distraine vn auter
pur rent ou auter chose,
donques il auera cest hfc
al Vicount pur deliuer a
luy le distresse, & trouera
suerie de pursuer son acti-
on, & si il ne pursua, on
si soit troue & iudged en-
counter luy, donques ce-
suy que prist le distresse
reuera le distresse, & cest
appelle return des auers,
& il auera en tiel case hfc
que est appelle Retorno
habendo.

Auxy si soit en aucun
franchise ou bayliwicke,
le partie auera vn Reple-
uin del Vicount direct al
Baylife de mesme le fran-
chise pur eux redeliuer, &
il trouera suertie de pur-
suer son action al pro-
cheins Countie. Et cest
Repleuin poer estre re-
moue hors del Countie
en le Common banke per

Repleuin.

Repleuin, is a writ, and
it lyeth where any man
distrayneth another, for
rent or other thing, then
he shall haue this writ to
the Sheriffe to deliuer to
him the distresse, and shall
finde suertie to pursue his
action, and if hee pursue
not, or if it bee found
iudged against him, then
hee that took the distresse
shall haue against the de-
stres, and that is called the
returne of the beasts, and
he shall haue in such case
a writ that is called Retorno
habendo.

Also if it bee in any
franchise or bayliwick, the
partie shall haue a Reple-
uin of the Sheriffe directed
to the Baylife of the same
franchise for to deliuer
them agayne, & he shall finde
suertie to pursue his action
at the next Countie. And
this Repleuin may be re-
moued out of the Countie
vnto the common place by a
writ

Writ of Recordare.

Take more of Repleuin
in the title Distress.

Also a writ of Homine
replegiando lyeth wher a
man is in prison, & not by
speciall commandement of
the king, nor of his Justice
nor for the death of a man,
nor for the Kinges Forfeite,
nor for such cause: is not
repleuissable, then he shall
have this writ directed to
the Sherif, that he cause him
to be repleued: this writ is
iusticiaries & not retournable,
and if the Sherif do it not,
then there shall goe forth an
other writ, Sic ut alias, and
afterward an other writ,
Sicut pluries, vel causam
nobis significes, which shall
be retournable, & if the Sherif
yet make no repleuin, then
there shall goe forth an At-
tachment against the Sherif,
directed to the Counteneyl
touch the Sherifes obdyng
under the the Justices at
certaine day, and further-
more, that they make ex-
ecution of the first writ.

Replication.

Replication, is when the
Defendur in any action maketh
an answer, & the plaintiffe

briefe de Recordare:

Vide plus de Repleuin
deuant titulo Distress.

Auxy brief de Homine
replegiando gist luy vn
homme est en prison, & ne-
may per especial comman-
dement le Roy, ne de ses
Iustices, ne pur le mort de
homme, ne pur le forfeit le
Roy, ne pur tel cause que
nest repleuissable, d'oques
il auera cest briefe direct
al vicount, que il luy faire
estre repleuy: & cest briefe
est vn iusticiaries & nient re-
tournable, & si le vicount ne
ceo face, donques issira
auter briefe, Sic ut alias, &
apres auter briefe: Sicut
pluries, vel Causam nobis
significes, que sera retour-
nable, & si le vicount vneof
ne face repleuin, donques
issira vn Attachment vers
le vicount, direct al Coro-
ners d'attacher le vicount,
& de luy amesher deuant
les Iustices a vn certain
iour, & ouster ceo que ilz
facent execution del pri-
mer bre.

Replication.

Replikation, est quando
defend in alicui actione
fait respons, & le plaintiffe
fait

The Exposition of

fait vn respons a ceo, ceo maketh an answer to that,
est appel le Replication that is called the Replica-
del plaignif. tion of the plaintiffe.

390. Reprises.

REpriſes, ſont deductiſes,
payments, & duties, que
un annuelment, & ſont pay
hors d'un maner: Come
rent charge, rent ſech, pe-
ſions, corodies, annuities,
ſees de Seneschals, ou bar-
liſes, & ſiels ſembles.

REpriſes, are deductiſes,
payments, and duties,
that goe yearly, & are paid
out of a maner: As rent
charge, rent ſech, penſions,
corodies, annuities, ſees of
ſenſchals, or bailiſes, and
ſuch like.

391. Reſceire.

REſceir, eſt quant alcun
ſeſſion eſt port vers te-
nant pur terme de vie, ou
renant a terme dans, &
ceſſy in la reuerſion vient
eins & pria deſtre reſceine
pur defend la terre, & pur
pleder ouſque le deman-
dant. Auxy, quant il vient
il conuient que il ſoit coute
ſois priſt a pleder que le
demandant. En meſme le
maner vn ſenſe ſenſe reſ-
ceine pur deſault ſabaron
en aſſion port vers eux
ambideux. Et auxy tenant
pur ains ſerra reſceine a
defend ſon droit, lousa vn
aſſion port vers tenant
del franktenent il plede
ſainement.

Reſceir.

REſceir, is when any
ſeſſion is brought againſt
the tenant for terme of life,
or tenant for term of years,
and he in the reuerſion
cometh in & prayeth to be re-
ceined for to defende the
land, and to plead ſothly
demandant. And when he
cometh in he behoveth the
he be aſſeſſe ready to plead
ſothly with the demandant. In
the ſame maner a wife ſhal
be receined for the reuerſion
of her husband in an aſſion
brought againſt the ſaid
husband. And alſo tenant for years
ſhall be receined to defende
his right, when in an aſſion
is brought againſt the re-
uerſion of the ſaid land he plede
ſothly.

392 **Rescous.**

Rescous, is a writ, and it is taken when any man taketh a distresse, & another taketh it againe from him, & will not suffer him to carry the distresse with him, then hee doth to him Rescous, and upon that he may have this writ, and shall recover damages.

Also if one distraine beasts for damage fessant in his ground, and dyeth them in the high way for to impound them, and in going they enter into the house of him whose they be, and hee withholdeth them there, and will not suffer the other to impound them, then that withholding is a Rescous.

393 **Reservation.**

Reservation, is taken divers wayes, and hath divers natures, as sometimes by way of exception to helpe that which a man had before in him: as if a lease be made for yeares of ground, reserving the great trees growing upon the same, now the lessee may not meddle with them nor with any thing that

Rescous.

Rescous, est un briefe, & gist quant aucun homme prend distresse, & un autre reprist le distresse de luy, & ne voile suffer luy de amener le distresse avec luy, donques il fait a luy Rescous, & sur ceo il peut avoir cest b're, & recouvrer damages.

Auxy si un distraint beasts pur damage fessant en sa terre, & les enchassea par le hault chemin par eux enparker, & ealant ils entrent en le maison de ce luy a que ils sont, & il eux detient la, & ne voile suffer l'autre de eux enparker, donques ceo detainer est Rescous.

Reservation.

Reservatio, est prise divers voyes, & ad divers natures, come aucun foires par voy de exception de reserue ceo que un homme ad deuant un luy: Come si un lease soit fait par ans de terre reseruant les grand arbors creslant sur ceo, ore le lessee ne peut meddle avecque eux, ne avecque aucun chose que

vica

vient p reason de eux, cy cōmeth by reason of them; longe come il demurt en, so long as it abideth in, or ou sur les arbores, come upon the trees, as made of oak, chestnut, poplar, &c. ou tielx semblables: or such like: But if they fall from the trees to the ground, then they are in en droit le lessées, car le right the lessers, for the terre est lessée a luy, & ground is let to him, and tout sur ceo nient reserues all thereupon not reserved &c.

Aseun foits vn reseruation obtraineth & port hors tior doth get & bring forth vn autre chose que ne fuit another thing which was devant: Come si vn home not before: As if a man lessa ses terres reseruant lease his landes reserving annualmēt pur ceo xx. li. yearly for the same xx. li. &c. Et diuers autres tielx &c. And diuers other such reseruations y sont. reseruations there be.

Et nota que en ancien temps, lour reseruations And note, that in ancient time, these reseruations fueront cibien (ou pur le ons were as well (or for the plus part) en victuals, soit moze part) in victuals, ceo carne, pishe, blees, whether flesh, fish, corn, pane, boyer, ou autrement, bread, drinke, or what else, come en mony, tanque al as in money, untill at the darreine, & especialmēt en last, and that chiefly in the le temps del Roy Henry le raigne of King H. I. by a i. per agreemēt, le reseruation of victuals was changed en prist mony, come il ad into ready mony, as it hath tanque cy continue. hitherto since continued.

394 Resignation.

Resignation, est lou vn Resignation, is wher on Incumbent dun Eglise incumbent of a Church

Resigneth or leaureth to the
Ordinarie, which do ad-
mit him to it, or to his suc-
cessors, and that discretly
woul surrender, when by
that he to whom the resig-
nation is made, hath no
interest in the thing so re-
signed, but hee to whom
the surrender is made hath
by that the thing is seile by
him surrender.

Retraxit.

Retraxit, is the preterper-
fence of Retraho, com-
pounded of Re and Traho,
which make Retraho, to
pull backe. And is when
the partie plaintiffe or de-
mandant commeth in pro-
per person into the Court
where his ple is, and saith
that he will not proceed a-
ny farther in the same, &c.
now this shal be a barre to
the action for ever.

Reeve.

Reeve is an Officer, but
more knowne in sancti-
ent time then at this day:
for almost every maner
had then a Reeve, and
yet still in manye Copy-
hold manors (where the
old custome any thing pre-
serveth) the name & office

resigne ou relinquis al
Ordinarie, que luy ad ad-
mit a ceo, ou a ses succes-
sors, & ceo differt del sur-
render, quant per cestuy
que le resignation est fait
nad aucun interest en le
chose ilaint resigne, mes
cestuy a que surrender est
fait avoit per ceo le chose
mesme per ceo surrender.

Retraxit.

Retraxit, est le preter-
perfectence de Retra-
ho, compoude de Re & Traho, que signifie Retra-
ho, pur enuller arriere. Et
est quant le partie plain-
tiffe ou demandant vient
en proper person en le
Court, ou son suite est, &c.
dir que il ne voit ulterius
psequi in placito illo &c.
Ore ceo ferra vn barre al
action a tous iours.

Reeve.

Reeve est vn officer, mes
plus connu en ancien-
temps que a ce iour: Car
chescun manour ad don-
ques vn Reeve, & encore
en diuers Copyhold ma-
nours (ou le veyle ou
srome aucun chose pre-
servaile) le nomme & office
nest

The Exposition of

nest en tout oblie: Et est is not altogether forgot-
 en effect ceo que a ore ten: And is in effect that
 chescun Bailife dun ma- which now enerte Bay-
 nour practise, nient ob- life of a mannor practi-
 siant le nosme de Bay- seth, although the name
 life ne fuit donques en of Baylife was not then
 vre enter nous, esteant in hie among us, being
 puis mort eins per les sines brought in by the
 Normans: Mes le nosme Normans: But the name
 de Reeue auncientment of Reeue aunciently col-
 appelle Gereue (quel par- led Gereue. (which parti-
 ticle (Ge) en continu- cle (Ge) in continuance of
 ance de temps fait ouster- time was altogether lost
 ment omise & perde) vi- out and lost) came from
 ent del Saxon parol Ge- the Saxons word Gere-
 rese, que signifie vn Ru- sa, which signifieth a Ru-
 ler: Et issint verament son ler: And so in deede his
 rule & authoritie fuit rule and authoritie was
 large deins le cōpasse del large within the compass
 mannor, son Seignior, of his Lordes mannor, and
 & enter ses homes & re- among his men and re-
 nants, sibien en choses de nants, aswell in matters
 gouvernement en peace & of government in peace
 guerre, come en le skil- and warres, as in the
 full vse & trade de hus- full vse and trade of
 bandrie: Car sicome il husbandrie: For as he
 collect les rentes del Seig- did gather his Lordes
 niour, paie reprises ou rentes, pay reprises, or
 ducties, issuant hors del ducties, issuing out of
 mannor, appoint les ser- the mannor, let the ser-
 vants de worker, suceide nants to worke, sell
 & decoupe arbres pur re- and cut downe trees to
 parier les edifices, & en- repayze the buildings,
 closures, ouesque diuers and closures, with
 tiels semblables pur le diuers such like for
 commodity del Seignior: his Lordes commodity:

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So also he has authoritie to gouerne and keepe the tenants in peace, & if neede required, to lead them forth in warre.

issint auxy il ad authorie de gouerner, & garder les tenants en peax, & sil besoign, de conducer eux en guerre.

Reuerfion.
Reuerfion of land, is a certain estate remaying in the lessour or donour, after the particular estate and possession conueyed to another by lease for life, or yeares, or gift in tail:

Reuerfion.
Reuerfion de ten, est vn certaine estate remayant en le lessor ou donour, apres le particulier estate & possession coueyd al vn autre p lease pur vie, ou ans, ou done en taile.

And it is called a Reuerfion in respect of the possession separated from it: so that he that hath the one, hath not the other at the same time, for being in one bodie together, there cannot be said a Reuerfion, because by the vnitng the one of them is drownd in the other.

Et est appel vn Reuerfion e respect de le possession separee de ceo: issint q il que ad le vn, nad le aut a m le teps, car esteant en vn corps simul, la ne poir este dit vn reuision, pur ce que per le vniting lun est merge en l'auter.

And so the reuerfion of land, is the land it selfe whē it falleth.

Et issint le reuerfion del terre, est le terre m quant il echueit.

Riot.
Riot, is where three (at the least) or more, doe some unlawfull act: as to beate a man, enter vpon the possession of another, or such like.

Riot.
Riot, est lou trois (al meines) ou plures font ascun illoyal act: come de bater vn hom entre sur le possession dun autre, vel huiusmodi.

The exposition of

399 Robbery.

RObberie, est quant vn hom prent ascun chose del person dun auter feloniously, coment que la chose prise ne soit al value forsque dun denier, vncor il est felony, pur quel le offender suffera mort.

Robberie.

RObberie, is when a man taketh any thing from the person of another feloniously, although the thing so taken be not to the value but of a penie, yet it is felony, for which the offender shall suffer death.

400 Rout.

ROut, est quant people assemble eux mesmes, & puis pcedāt, ou chinsu- chant, ou alant auant, ou mouent per instigatiō de vn ou plursors, que est con- duct de eux: Cest appel vn Rout, pur ceo que ils mo- uent, & proceed en routs & numbers.

Item ou plures assem- ble eux sur leur quar- rels & braules demesne: come si les inhabitants dun Ville voile assembler eux, pur debrufer huys, mures, fosses, pales, ou ti- els semblables dauer com- mon la, ou de bater vn au- ter que ad fait al eux vn common displeasure, vel huiusmodi, cest vn Rout & encounter le ley, coment que ils nont fait ou mis en execution leur male en-

Rout.

ROut, is when people doe assemble themselves together, and after doe pro- ceede, or ride, or goe forth, or doe moue by the instiga- tion of one or more, who is their leader: This is cal- led a Rout, because they do moue and proceed in routs and numbers.

Also where many assem- ble themselves together by- on their own quarrels and braules: as if the inhabi- tants of a town will gather themselves together, to breake hedges, pales, or such like, to haue common there, or to beate another, hath done to them a comon displeasure, or such like, that is a Rout, & against it. Also, although they haue not done or put in executi- on their malicious en-
sent

tent. See the Statute 1. Ma. cap. 12.

Sake, this is a plea and correction of trespass of men in your court, because (**Sake**) in English, is **Achelou** in French, & **sake** is put for **sicke**, as to say for **sicke**, **sake**, also for what hurt, & **sake** is put for **foyl**.

Scire facias, is a writ in iudiciall going out of the record, & it lieth where one hath recovered debt or damages in the **H.** court, & he lieth not to have execution within the yeare & the day, then after the yeare and the day he shall have the said writ to swaine the party, & if the partie come not, or if hee come & nothing say to discharge or stay the execution, then he shall have a writ of **Fieri facias** directed to the Sherife, him commanding that he leuis the debt or damages of the goods of him that hath lost.

Also **Scire facias** is a writ of **Fieri facias** which lieth within the yeare without any **Scire fac** sued.

Also if the summe of the same debt or damages

tent. Vide Iestature 1. M. cap. 12.

Sake, hoc est placitum & emenda de transgressu hominum in curia vestra, quia (**Sake**) Anglice, est **Achelou** Gallice, & **Sake** est mis pur sick, & diciť pur sick, **sake**, idem quod pur **glachou**, & **sake** diciť per forfeit.

Scire facias, est un brieve iudiciall issuant hors de record, & gist leu vn ad recouer dette ou dommages en Court le Roy, & il ne sue pas daver execution deins lan & le iour, donques apres lan & iour il aucta le dit brieve a garner le partie, & si le partie ne vient, ou si le partie ne scait rien dire encounter execution, donques il aucta un brieve de **Fieri facias** direct al Vicount, luy commandant que il leuie le dette ou les dommages des biens celui que ad perdue.

Auxy le brieve de **Fieri facias** gist deins lan fauns aucun seire facias suer.

Auxy si le summe de la dette ou dommages

The exposition of

ne poit este leuie des biens celuy que auoit perdu, donques il poit auer vn brieſe de Elegit direct al Vicount, que il face luy deliuer la moitie de la terre & biens, cexcept les boules & affries de la carue.

Auxy quant vn ad recouer dette ou damages en action personal (lou le proces est vn Capias) il poit auer vn autre brieſe de Execution appelle Capias ad satisfaciendū pur prēder le corps celuy que est issint condempne, que serra committe al prison, ilonques a demurrer sans baile ou mainprite, tanq; il ad satisfie le partie.

Auxy qnt vn ad iudgement de recouer ascū terres ou tenements, il auera vn brieſe appelle Habere facias seisinā direct al vicount, luy commaundant de deliuer a luy seisin de mesme le terre issint recouer. Vide plus de ceo en le title Fieri facias, & en le title Execution.

403 **Scor.**
SCor, hoc est quierū esse de quād cōsuetud, sicut

may not bee leuied of the goods of him that hath lost them, hee may haue a writ of Elegit directed to the Sheriffe, that he cause him to deliuer the one halfe of his landes and goods, except his Oxen and implements of his cart.

Also when one hath recovered debt or damages in an action personal (where the proces is a Capias) hee may haue another writ of Execution called a Capias ad satisfaciendum, to take the bodie of him that is so condemned which shall be committed to prison, there to abide without bayle or mainprize, till that he hath satisfied the partie.

Also when one hath iudgement to recouer any landes or tenements, hee shall haue a writ called Habere facias seisinam directed to the Sheriffe, him commaunding to deliuer to him seisin of the same land so reconered. See more of that in the title Fieri facias, and in the title Execution.

Scor.
SCor, that is to be quite of a certayne custome, as

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of common tillage made to the use of the Sherife or Bailife.

de commun' tallagio factio ad opus Vicecomitis vel Balliuorum eius.

404 Knights seruice.

Seruice de Chiualer.

TO hold by knights seruice, is to hold by homage, fealty, and escuage, and it ozafwerth to itward, marriage, and reliefe.

Tener p seruice de chiualer, est a tenet p homage, fealty, & escuage, & treit a luy gard, mariage & reliefe.

And note that knights seruice, is seruice of lands or Tenementes to beare Armes in warre in the defence of this Realme, and it ozwerth sword and marriage, by reason that none is able, nor of power, or may haue knowledge to beare armes, befoze that he be of the age of 21. yeares, And to the ende that the Lord shall not leese that, that of right hee ought to haue, and that the power of the realme, bee nothing weakened, the Law will because of his tender age, that the Lord shall haue him and his landes in his sword til the ful age of him, that is to say, 21. yeares.

Et nota que seruice de Chiualer, est seruice de terres ou tenements pur Armes porter in guerre in defence del Roialme, & doit garde, & mariage apent, per reason que nul est able, ne de power, & ne poit au conusans d'armes porter, deuant que il soit del age de 21. ans. Et al fin que le seignior ne perde- ra ceo, que de droit il doit auer, & que la power de la roialme de rien ne soit in- feeble: la ley voit p cause de son tender age que le Seignior luy auera in la garde, tanque al pleine age de luy, cest assauoir 21 ans.

Looke of that more in the title Grand Sericantry, and the title Escuage.

Vide de ceo pluis in le title Grand Sericantry, & in le title Escuage.

The Exposition of

405 **Shewing.**

Shewing, hoc est quietū esse cum attachiament in aliqua Curia, & coram quibuscunq; in querelis ostensis & non aduocat.

406 **Sok.**

Sok, hoc est secta de hominib' in Curia vestī, secundū cōsuetudinē regni.

407 **Sokmans.**

Sokmans, sont les tēns in aunciēt demesne, queux tiēt leur fres per socage, cē adire p seruice del carue, & p e' ils sont appel Sokmans, que est tāt adire come tenaunts, ou homes queux tiēt per seruice del carue, ou homs del carue: Car Sok signifie vn carue.

Et ceux Sokmans ou tenaunts in aunciēt demesne, ount plusors & diuers liberties done & graunt a eux per le ley, sibien ceux tenants queux tiēt dun common person in aunciēt demesne, come ceux queux tiēt del Roy in aunciēt demesne, come nosmement destie quite de paier Toll in chescun Market, Faire, Ville, & Citie per tout le

Shewing.

Shewing, that is to bee quite with attachment in any Court, and before whom to ener in plaintes shewed and not answered.

Sok.

Sok, that is suit of men in your court, according to the custome of the realme.

Sokmans.

Sokmans, are the tenants in aunciēt demesne, that held their landes by Socage, that is by seruice with the plough, and therefore they are called Sokmans, which is as much to say as tenants or men that hold by seruice of the plough, or plowmen: For Sok signifieth a plough.

And these Sokmans or Tenants in aunciēt demesne, haue many and diuers liberties giuen and graunted to them by the Law, as well those tenants that hold of a common person in aunciēt demesne, as those that hold of the King in aunciēt demesne, as natiely to bee free from paying toll in euerie Market, Faire, Towne, and City throughout the whole

Realme

Realme, as well for their goodes and chattels that they sell to others, as for those things that they buy for their prouision of other. And thereupon enerie of them may sue to haue Letters Patents vnder the kings seale directed to his Officers, and to the Maiors, Bayliffes, and other Officers in the Realme, to suffer them to be Toll free.

Also to be quite of pontage, murage, and passage, as also of taxes and tallages graunted by Parliament, except that the King take auncient demesne, as he may at his pleasure for some great cause.

Also to be free from payments towards the expenses of the Knights of the Shire that come to the parliament.

And if the Sherife will distraine them, or any of them to bee contributozie for their landes in auncient demesne, then one of them or all as the case requirith, may sue a Writ directed to the Sherife, commanding him that he doe

Realme, sibi en pur leur biens & chartels que ils vende as auters, come pur ceux choses que ils acheteront pur leur prouision de auters. Et sur ceo chescun de eux poit suer d'auer letters patents de southe le seale de Roy a ses Officers, & al Maiors, Bailifes & auters Officers en le Realm de suffer eux destre quite de toll.

Item destre quite de pontage, murage, & passage, & auxy de taxes & tallages graunt p Parliamt, si non que le roy taxe auncient demesne, come il poit a son pleasure pur grand cause.

Auxy destre quite de payments a les expences del Chinalers del Shire queux vient al Parliament.

Et si le Vicount voyle distrainer eux, ou ascun de eux destre contributozie pur leur terre en auncient demesne, donques lun de eux ou toutes suer vn brieve direct al Vicount, luy comandat que il

The Exposition of

ne compell eux deſſe con-
tributories al expences de
Chiualers. Et m le bſe luy
command auxy, que ſi il
ad diſtraine eux pur ceo,
que il redeliuer meſme le
diſtres.

Item que ils ne deuerōt
eſtre impanel, ne mis en
Iuries & Enqueſts en le
pays hors de leur ma-
nour ou Seignourie de
auncient demefne, pur
les terres queux ils teigne
la (ſinon que ils ont au-
rers terres al commō ley,
pur queux ils deueront
eſtre charge.) Et ſi le
Vicount retourne eux en
panels, donques ils poy-
ent auer vn brieſe direct a
luy de Non ponendis in
aſſiſis & iuratis : Et ſil face
al contrarie, donques giſt
attachmēt ſur ceo enuers
luy.

Et illint eſt auxy ſi les
baillifes des franchises qux
ont retourne de brieſes
voyle retourne aſcun del
tenaunts queux teigne en
auncient demefne en aſſi-
ſes ou iuries.

Et auxy deſſe exēpts del

not compell them to be con-
tributorie to the expences
of the knights. And the
ſame ſoſit both command
him alſo, that if he haue al-
ready diſtrained them ther-
foze, that hee redeliuer the
ſame diſtres.

Alſo that they ought
not to bee impanelled, nor
put in Iuries & Enqueſts
in the countrey out of their
Manor or Lordſhippe of
auncient demefne, for the
landes that they holde
there (except that they haue
other lands at the common
lawe, for which they ought
to be charged.) And if the
Sheriffe doe retourne them
in panels, then they may
haue a Writ directed to
him de Non ponendis in
aſſiſis & iuratis : And if hee
doe the contrarie, then heeth
an attachment vpon that
againſt him.

And ſo it is alſo if the
Baillifes of Franchiſes
that haue retourne of writs
will retourne any of the te-
nants which hold in aunc-
ient demefne in Wiſſes or
iuries.

And alſo to be exēpt from
Letras

Letres, and the Sherifes
Turns, with diuers other
such like liberties.

408 Socage.

To hold in Socage, is to
hold of any Lord lands
or tenements, yeelding to
him a certaine rent by the
yeare for all manner of ser-
uices.

And note well, that to
hold by Socage is not to
hold by Knights service,
nor to it belongeth ward,
marriage, nor reliefe: But
they shall double once their
rent after the death of their
ancestors, according to that
that they be wont to pay to
their Lord.

And they shal not be ouer
measure grieued, as it ap-
peareth in the Treatise of
WARDS and Reliefe.

And note wel, that So-
cage may be said in 3. ma-
ners, that is to say: So-
cage in free tenure, So-
cage in ancient tenure, and
Socage in base tenure.

Socage in free tenure,
is when one holdeth of an
other by fealtie and certain
rent for all manner of ser-
uices, as is before said.

And of all lands holden

Leers, & de Turnes de Vi-
count, ouesq; diuers auts
semblable liberties.

Socage.

Tener en Socage, est a
tenir de asc' Seignieur
terres ou tenements, ren-
dant a luy vn certain rent
per an pur tous mañs des
seruices.

Et nota, que tener per
Socage nest pas tener per
seruice de Chivaler, ne la
appent garde, mariage, ne
reliefe: Mes ils doubleront
vn foits leur rent apres le
mort leur ancestor, selon-
que ceo que soloyent pay-
er a leur Sñr.

Et ils ne seront ouster
measure greeues, come il
appiert en le Treatise de
Gardes & Reliefe.

Et nota, q̄ Socage poir
estre dit en trois maners,
cesta scauoir: Socage en
franke tenure, Socage en
ancient tenure, & Socage
en base tenure.

Socage en frank tenure,
est quant yn tient dun p
fealty & certaine rent pur
touts maner des seruices,
come deuant est dit.

Et de tous terres tenus
en

The Exposition of

En Socage le procheine a-
my auec le garde a que le
heritage ne purra my dis-
cender, ranque al age le
heif de xiiij. ans, cestasca-
uoir, si le heritage veign p
le part le pere, ceux del pt
le mere aueront le gard.
Et contra.

Et nota bien, si gardian
en Socage fait waste, il ne
serra my impeche de waste:
Mes il rendra accompt al
heire quaut il viendra al
pleine age de xxj. ans. Et
vide le statute de Marle-
bridge capitul' 17. par cest
matter.

Socage de auncient te-
nure est ceo lou les gentes
en auncient demesne te-
noient, que ne soloient
auf bñ auoir que le brieve
de Droit close, que serra
determin secundum con-
suetudinem manerij, & le
Monstrauerunt pur eux
discharge quant leur Sñr
eux distraint pur faire au-
ters seruices que faire ne
duissent.

Et cest brieve de Mon-
strauerunt doit estre port
enuers leur Seignior,

in Socage the next kin-
bodie shall haue the warde
to whom the heritage may
not discend, till the age of
xiiij. yeares, that is to say,
if the heritage come by the
part of the father, they of
the part of the mother shall
haue the warde. And con-
trariwise.

And note well, that if
the Gardian in Socage
doe make waste, he shall not
be impeached of waste, but
he shall yeelde accompt to
the heire when hee shall
come to his full age of xxj.
yeares. And looke the sta-
tute of Marlebr cap. 17. for
this matter.

Socage of auncient te-
nure is that where þ peo-
ple held in auncient de-
mesne, which vse no other
writ to haue then the writ
of Right close, which shall
be determined according
to the custome of the man-
nor, and the Monstrauerunt
for to discharge them when
their Lord distrayneth the
for to doe other seruices
that they ought not to doe.

And this writ of Mon-
strauerunt ought to bee
brought against the Lord,
and

and these tenants hold all & ceux tenants reignent
by one certaine service, and iours per vn certaine ser-
these be free tenants of an- uice, Et ils sont franke te-
cient demesne. nants de ancient demesne.

Socage in base tenure, Socage in base tenure,
is where a man holdeth in est lou home tient in aun-
ancient demesne, that may cient demesne, & ne poit
not haue the Monstrauerunt, auer le Monstrauerunt, &
and for that it is called the pur ceo il est appel le base
base Tenure. Tenure.

409 **Summons ad warran-** **Summons ad warran-**
tizingandum &c. tizingandum &c.

Summons ad warrantizandum, and Sequatur sub
suo periculo. See of them Summons ad warranti-
after in the title Voucher. zandum, & Sequatur sub
suo periculo. Vide de ceux
apres in le title voucher.

410 **Spoliation.**

Spoliation, is a suite for the
fruits of a Church, or for
the Church it selfe, and it
is to bee suit in the Spirituall Court, and not in the
Temporall Courts. And
this suit lyeth for one In-
cumbent against an other
incumbent, where they both
claime by one Patron, and
where the right of the pa-
tronage both not come in
question or debate. As if a
parson be created a bishop,
and hath dispensation to
keepe his benefice still, and
afterward the Patron pre-
sents an other incumbent,

Spoliation.

Spoliation, est vn suite
pur les fruits dun Es-
glise, ou pur L'esglise mes-
me, & est desle sue in le
Spirituall Court, & nemy
en les Temporall Courts.
Et cest suit gist pur vn En-
cumbent enuers vn autre
Encumbent, ou ils ambi-
deux claime per vn Pa-
tron, & lou le droit del
patronage ne vient en
question ou debate. Com
si vn Parson soit cree vn
Euesque, & ad dispen-
sation de tener son Re-
ctorie, & puis le Patron
present autre encumbent,
que

The Exposition of

que est institute & induct: **Which is instituted and in-**
 Ore le Euesque poit auer **duct: Now the Bishop**
 enuers cestuy Incumbent **may haue against that In-**
 vn Spoliation in le Spiri- **cumbent a Spoliation in**
 tual Court, pur ceo que ils **the Spirituall Court, be-**
 ambideux claime per vn **cause they claime both by**
 Patron, & le droit del pa- **one Patron, and the right**
 tronage ne vient in de- **of the patronage doth not**
 bate, & pur ceo que l'auter **come in debate, and because**
 Incumbent vient al pos- **that the other Incumbent**
 session del benefice per le **came to the possession of the**
 course del ley Spirituall, **benefice by the course of the**
 cestalcauoir, per instituti- **Spirituall Law, that is to**
 on & induction, issint que **say, by institution and in-**
 il ad colour de oue ceo, & **duction, so that he hath co-**
 destre Parlon per le espiri- **lour to haue it, and be par-**
 tual ley: Car autrement **son by the Spirituall law:**
 fil ne soit institute & in- **for otherwise if hee bee not**
 duct &c. Spoliation ne gist **instituted and inducted &c.**
 enuers luy, mes pluistost **Spoliation ipech not a-**
 vn briefe de Trespas, ou **gainst him, but rather a**
 vn Assise de Nouel dis- **writ of Trespas, or an As-**
 seisin &c.

So it is also where a
 Parlon que ad pluralitie, **Parson which hath a plu-**
 accept auter benefice, per **rality, doth accept another**
 reason de que le Patron **benefice, by reason whereof**
 present vn auter Clerke, **the Patron presents an o-**
 que est institute & induct, **ther clerke, who is institu-**
 ore lun de eux poit auer **ted & inducted, now the one**
 Spoliation enuers le au- **of them may haue Spoli-**
 ter, & donques viendra **ation against the other, and**
 in debate fil ad vn suffi- **then shall come in debate if**
 cient pluralitie ou non. **he haue a sufficient plura-**
 Et issint est de depri- **lity or not. And so it is of**
 pri-

Issint est auxy lou vn
 Parlon que ad pluralitie,
 accept auter benefice, per
 reason de que le Patron
 present vn auter Clerke,
 que est institute & induct,
 ore lun de eux poit auer
 Spoliation enuers le au-
 ter, & donques viendra
 in debate fil ad vn suffi-
 cient pluralitie ou non.
 Et issint est de depri-

So it is also where a
Parson which hath a plu-
rality, doth accept another
benefice, by reason whereof
the Patron presents an o-
ther clerke, who is institu-
ted & inducted, now the one
of them may haue Spoli-
ation against the other, and
then shall come in debate if
he haue a sufficient plura-
lity or not. And so it is of
depri-

deprivation ec.

The same law is where one saith to the Patron, that his Clerke is deade, whereupon he presents another: there the first Incumbent which was supposed to be dead may have a Spoliation against the other. And so it is in divers other like cases, whereof see Fitz. Nat. breuium.

uation, &c.

Mesme le ley est, ou vn dit a le Patron, que son Clerke est mort, sur que il present vn autre: la le primer Incumbent que fuit surmise de estre mort poit auer vn Spoliation eauers l'auter. Et issint en diuers autres semblables cases, de que veies Fitz. Nat. breuium.

411 Scallage.

Scallage, that is to bee quite of a certaine custome erected for the street taken or assigned in faire or markets.

Scallage.

Scallage, hoc est quietus esse de quadam consuetudine exacta pro platea capte vel assignata in Nundinis & Mercatis.

412 Suit couenant.

Suit couenant, is when your auncestors haue couenanted with my auncestors to sue to the Court of my auncestors.

Suit couenant.

Suit couenant, est quant vostre auncestours ont couenant oue mes auncestors de suer a le Court de mes auncestors.

413 Suit custome.

Suit custome, is when I and my auncestors haue bene seised of your owne suit & your auncestors time out of minde ec.

Suit custome.

Suit custom, est quant ico & mes auncestors ont oste seises de vfe suit demesne & vfe auncestors de temps dont memorie ne curt.

414 Suit reall.

Suit reall, is when men come to the Sheriffes Turne or Lette, to which Court all men shalbe com-

Suit reall.

Suit reall, est quant homes vient al Turne de Vi-cont, ou Lecte, a q Courts tous homes serra compelle

The Exposition of

pelle de vener a conuſter
les leyes, iſſint que ils ne
ſerra ignorant de les cho-
ſes queux ſerrôt monſtres
la coment ils ſerř gouer-
nes. Et eſt appell' real ſuit
per cauſe de lour allege-
ance, & ceo appiert per
common experience qnt
vn eſt iure, ſon oath eſt
que il ſerra loyall & foyall
home al Roy. Et ceo ſuit
neſt pur le terre que il
tient deins le Countie,
mes per reaſon de ſon p-
ſon, & pur ſon reſiancy la,
& doit eſtre fait deux foits
per an, pur default de que,
il ſerra amercie & nemy
diſtreine.

pelled to come to know the
Laws, ſo that they ſhall
not be ignorant of things
that ſhall be declared there
how they ſhall be gover-
ned. And it is called reali
ſuit becauſe of their allege-
ance, and this appeareth
by cōmon experience when
one is ſworne, his oath is
that he ſhall be a loyall and
faithfull man to the King.
And this ſuit is not for the
land that he holdeth with
in the Countie, but by rea-
ſon of his perſon, and he
abode there, and ought to
be done twice a yeare, for
default whereof, he ſhall be
amerced & not diſtrained.

415 **Suit ſeruice.**
Suit ſeruice, eſt de ſuer al
Turne del Vicount ou
Leete, ou al Court de le
Seignior, de trois ſemaig-
nes en trois ſemaignes p
lentier an: Et pur default
de ceo, vn home ſerra di-
ſtreine & nemy amercie.
Et eſt ſuit ſeruice eſt per
reaſon del tenuſ del terres
dun home.

Suit ſeruice.
Suit ſeruice, is to ſue to
the Sherifes Turne or
Leete, or to the Lordes
Court, from three weekes
to thre weekes by the
whole yeare: And for de-
fault thereof, a man ſhall be
diſtrained, and not amer-
ced. And this ſuit ſeruice
is by reaſon of the tenure
of a mans lands.

416 **Statute Marchant.**
Tener per ſtatute Mar-
chant, eſt lou home

Statute Marchant.
To hold by Statute Mar-
chant, is where a man
knows

knowledgeth to pay cer-
taine monei to another at a
certain day before the Ma-
ior, Baylife, or other War-
deine of any Towne that
hath power to make execu-
tion of the same statute, and
if the obligor pay not the
debt at the day, & nothing
of his goodes, landes, or
tenements may bee found
within the warde of the
Maioz or warden before-
saide, but in other places
without, then the recogni-
see shall sue the Recogni-
sance and obligation with
a certification to the Chan-
cery vnder the kings seale,
and hee shall haue out of
the Chancery a Capias to
the Sheriffe of the County
where he is to take him, &
to put him in prison, if hee
be not a Clerke, till he haue
made agreement of the
debt. And one quarter of
the yeare after that hee
shall be taken, he shall haue
his land deliuered to him-
selfe, to make gree to the
partie of the debt, & he may
sell his land while he is in
prison, and his sale shall be
good and lawfull. And if he
doe not make satisfaction

consist a payer certaine
deniers a vn auter a cer-
taine iour deuant le Ma-
ior, Baylife, ou auter Gar-
dein dascun ville que ad
poyar de faire execution
de mesme le statute, & si le
obligor ne paya le det a
le iour, & rien de ses bi-
ens, terres, ou tenements
ne purront estre troues
deins le garde le Maior
ou Gardein auantdit, mes-
en auters lyeux dehors,
donques le Recognisee
suera le Reoognisance &
Obligation ouc vn cer-
tification a la Chaun-
cerie desouth le seale le
Roy, & il auera hors de
la Chauncerie vn Capi-
as al Vicount del Coun-
tie lou il est de luy pren-
der, & mitter luy en pri-
son, si il ne soit Clerke,
tanque il ad fait gree de
la dette. Et vn quarter
de lan apres ceo que il
serra prise, il auera sa
terre liuer a luy mesme
pur faire gree a le par-
tie de le dette, & il poit
vender sa terre tanque il
est en prison, & son ven-
dition sera bone & loy-
al, Et si il ne face gree
deins

The Exposition of

deins le quart dun an, ou
fil soit retourne que il nest
trouue & fil ne soit Clerke,
adonques le recognisee
poit au h're de le Chaun-
cery, que est appel Exten-
di facias, direct al tous vi-
counts lou il ad terres de
extender les fres & biens,
& ses biens a luy deliuer,
& luy seiser en ses terres, a
tesn eux a luy & a ses h'ies,
& a ses assignes, tanque le
debt soit leuie ou pay, &
pur cel temps il est te-
nant per Statute Mer-
chant.

Et nota bien, que en vn
Statute Merchant le re-
cogaisee auera execution
de tous les fres que le re-
cognisor auoir iour de la
recognisance fait, & ascun
temps puis per force de m
le statute.

Et nota bien, que quāt
ascun wast ou destruction
est fait per le Recognisee,
ses executors, ou per ce-
luy que ad son estate, le
recognisor ou ses execu-
teurs ont m la ley, come est
laidit de le tenant per E-
legit.

Et nota bien, si le te-

within a quarter of a yeare
or if it be returned, that he
be not found, and if hee be
not a clerk, then the recog-
nisee may haue a writ out
of the Chancery, which is
called Extendi facias, di-
rect to all Sherifes where
hee hath landes, to extend
his lands and goods, and to
deliuer the goods to him,
& to seise him in his lands
to hold them to him and to
his heires, & his assignes,
till that the debt be leuied
or payed, and for that time
he is tenant by Stat. Mar-
chant.

And note well, that in
a Statute Merchant the
Recognisee shall haue exe-
cution of al the landes which
the recognisor had the day
of the recognisance made, &
any time after by force of
the same statute.

And note well, that
when any waste or destru-
ction is made by the Re-
cognisee, his executors, or
by him that hath his estate
the Recognisor or his exe-
cutors shall haue the same
law, as is before laid of the
tenant by Elegit.

And note well, that te-
nant

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nant by statute. Merchant nant per le Statute Mer-
hold ouer his terme, hee chant tient ouster son
that hath right may sue a. terme, cestuy que ad droit
gainst him a Venire facias poit suer enuers luy vn
ad computandum, or esse Venire fac' ad computan-
enter by and by, as byon dum, ou enter tantost si-
tenant by Elegit. Soe the come sur le tenant per E-
statute 21. Ed. 1. and of A- legit. Vide le statute 21. E.
Gton Burnel, and 13. C.1. de 1. & de Aton Burnel, &
Mercatoribus. 13. E.1. de Mercatoribus.

T

417 Fee Taile.

TO hold in the Taile, is
where a man holdeth
certaine lands or tenements
to him and to his heires of
his bodie begotten.

And note well, that if the
Land be given to a man
and to his heires males, &
he hath issue male, he hath
fee simple, and that was
adiudged in the Parlia-
ment of our Lord the K.
But where landes be gi-
uen to a man and to his
heires males of his bodie
begotten, then he hath fee
taile, and if issue female shal
not be inheritable, as it ap-
peareth the 14. yere of E. 3.
in Assise 18. E. 3. 45.

Fee taile, is where land
is given to a man and his
heires of his bodie begot-

T

Fee Taile.

TEnir en le Taile, est
lou home tient cer-
tain terres ou tenements
a luy & a ses heires de son
corps engendres.

Et nota bien, que si le
terre soit done a vn home
& a ses heires males, & il
ad issue male, il ad fee sim-
ple, & ceo fuit adiudge en
le Parliament noster Seig-
niour le Roy. Mes lou ter-
res ou tenements sont do-
nes a vn hom & a ses hfes
males de son corps engé-
ders, il ad fee taile, & le
issue female ne serrà my
inherit, vt patet An 14.
Edw. 3. en vn Assise 18.
E. 3. 45.

Fee taile, est lou terre
est don a vn home & a ses
heirs de son corps engen-

A a

ders,

The exposition of

ders, & il est dit tenant en le taile generall.

Mes si terre soit done al baron & feme & al heires de lour deux corps engenders, ore le baron & la fem sont tenants en le taile especial. Et si vn de eux deuy, cesty que suruiue est ternaunt en le taile apres possibility de issue extinct, & si il face waste il ne serā impeach de cel waste. Vid' Littleton.

Mes si le Roy done terres a vn hom & a ses heirs males, & le donee deuie sauns issue male, donques le cosin collaterall del donee ne inheritera, mes le Roy reentra, & issint suit adudge en Lechequer chamber Ann 18.H. 8. en vn information fait vers le heire de Sir T. Louel Chiualer.

418 Taile apres possibility.

TENER en le taile apres possibility de issue extinct, est lou terre est done a vn home & sa feme & a les hrs de lour deux corps engenders, & lun de eux suruiue laus sans issue en

ten, and he is called tenant in the taile generall.

But if lands be giue to the husband and the wife and the heires of their two bodies begotten, then the husband and the wife be tenants in the taile especial. And if one of them die, he that suruiueth is tenant in taile after possibility of issue extinct, & if he make waste he shall not bee impeached for that waste. See Littl.

But if the K. giue land to a man and to his heires males, and the donee dieth without issue male, then the cosin collaterall of the donee shall not inherit, but the King shall reenter, and so it was adjudged in the Exchequer Chamber 18. H. 8. in an Information made against the heire of Sir T. Louel Knight.

Taile after possibility.

TO holde in the taile after possibility of issue extinct, is where land is giuen to a man and to his wife, & to the heirs of their two bodies engendred, and one of them suruiueth the other without issue be-

gotten

twene them begotten, hee shall hold the land for term of his owne life, as tenant in the taile after possibilitie of issue extinct. And notwithstanding that he do waste, he shall neuer be impeached of that waste. And note, that if he alien, hee in the reuerſion ſhal not haue a writ of Entre in conſimili caſu. But he may enter, and his entre is lawfull, p R. Thorp chiefe Juſtice 28. E. 3. 96. & 45. E. 3. 25.

419 Taxe and tallage.

TAXE & tallage, are paymētts, as tenthes, ſixteenths, ſubſidies, or ſuch like graunted to the King by Parliament.

The Tenants in auncient demefne are quitte of theſe Taxes and tallages graunted by Parliament, except that the King doe ſare auncient demefne, as he may when hee thinkes good for ſome great cauſe. See Auncient demefne.

420 Tenure in capite.

TENURE in capite, is where any holde of the King as of his perſon being King, and of his Crowne,

ter eux iſſuant, il tiendra la terre a terme de ſa vie demefne, come tenant en le taile apres poſſibilitie de iſſue extinct. Et non obſtant que il fait waſte, il ne ſerra iammais empeache de cel waſt. Et nota, que ſi il alien, celuy en la reuerſion ne auera brieſe Dentre in conſimili caſu. Mes il poit entrer, & ſon entre eſt congeable, p R. Thorp chiefe Juſtice 28. E. 3. 96, & 45. E. 3. 25.

Taxe & tallage.

TAXE & tallage, ſont paymētts, come diſmes, quinziesmes, ſubſidies, ou tiels ſemblables graunt al Roy per Parliament.

Les Tenant en auncient demefne ſont quites de ceux taxes & tallages graunts per Parliament, ſinon que le Roy taxe auncient demefne, come il poit quant a luy pleiſt pur graund cauſe. Veies Auncient demefne.

Tenure in capite.

TENURE in capite, eſt louiſcun tient del Roy, come de ſon pſon eſteant Roy, & de ſon Corone,

The exposition of

come dun Seigniorie per luy mesme en grosse, & en chiefe, desuis toutes autres Seigniories. Et nemy lou ils tient de luy come de aucun manour, honour, ou Castle, sinon certaine auncient honors, vt patet in Scaccario.

421 Terme dans.

TENER a terme dans, nest forsq, chattel en effect, car nul action est maintainable enuers termor qust a recouerer le franktenement, car nul franktenement est a luy. Lease a terme dans est chattell reall, & tous biens mouables sont chattels psonals.

422 Testament.

TESTAMENT, est issint define ou expounde en Mounfier *Plowdens* Commentaries: Testamentum est testatio mentis, & est compounde de ceux deux parolx, Testatio & mentis que issint signifie, veray il est, que vn Testament est testatio mentis, mes que il est vn compound paroll, *Aulus Gellius* en son 6. li. uer ca. 12. denie ceo al vn excellent Lawyer vn ser-

as of a Lordship by it selfe in grosse, and in chief above all other Lordships. And not where they hold of him as of any Manor, Honor, or Castell, except certaine auncient Honors, which appeare in the Exchequer.

Terme dans.

TO holde for terme of yeres is not but chattel in effect, for no action is maintainable against the termor for the recovering of the freehold, for no freehold is in him. A Lease for terme of yeres is a chattell reall, and all goods which are remouable are chattels personals.

Testament.

TESTAMENT, is thus defined in *Maister Plowdens* Commentaries: A Testament is the witness of the mind, & is compound of these two words, Testatio and mentis, which so signifieth, truth is, that a Testament is witness of the minde, but that it is a compound word, *Aulus Gellius* in his 6. booke cap. 12. both denie & same to an excellent Lawyer one Seruius

uius Sulpitius, and sayeth, that it is a simple woꝛde, as are these, Calciamentũ, Paludamentum, Pauramentum, & diuers suchlike. And much lesse is Agreementũ, a composed woꝛd of aggregatio and mentium, as is said befoze in the title of Agreement, for there is no such latin woꝛd simple or compound: but it may be notwithstanding serue well for a lawe latin woꝛd.

And therefore thus it may bee better defined. A Testament is the true declaration of our last will, of that wee would to bee done after our death; &c.

And of Testaments there be two sortes, namely a Testament in writing, & a Testament in words, which is called a Nuncupative Testament.

The first is alwaies in writing, as is said.

The other is, when a man being sicke, and for feare least death, or want of memoꝛie, or of speech, should come to sodainely and hastily vpon him, that hee should bee presented, if hee stayed the wy-

nius Sulpitius, & dit, q'il est vn simple parol, come s'ont ceux, Calciamentum, Paludamentũ, Pauramentum, & diuers tielx semblables. Et mult meins est Agreementum, vn composé parol de aggregatio & mentium, come est dit in le titre de Agreement, car il ny ad nul tiel latin parol simple ou compound: mes il poit nient obstant serue bie p vn ley latin parol.

Et pur ceo il poit issint este melior define. Testamentum est vltimæ voluntatis iusta sententia, de eo quod quis post mortem suam fieri vult &c.

Et de Testaments il y ad 2. sortes, s, vn Testamēt in escript, & vn Testamēt p parol, que est appel vn Nuncupatiue Testamēt.

Le primer est tous foits in escript, come est dit.

Le auter est, quant vn home esteant malade, & pur paur que mort, ou fault de memoꝛie, ou de parler, voit venir cy soudainement & hastiuement sur luy, que il serra present, si il demurt le scrip-

The Exposition of

ture de son testament, re-
quest ses vicines & amies
de porter tesmoigne de s^{on}
darrein vol^ur, & donques
declare ceo presentmt per
parol deuant eux, que aps
son decease est proue per
tesmoigns, & mis in script
per le Ordinary, & donqs
il est in cy bone force cōe
si c' ad al prim in le vie del
Testatour este mis in es-
cript : sinon que il soit pur
terres nient diuisable per
custome,

ting of his Testament,
desireth his neighbours &
freinds to beare witnesse
of his last will, and then
declureth the same present-
ly by wordes befoze them,
which after his decease is
proued by witnesses, & put
in writing by the Ordina-
ry, and then standeth in as
good force as if it had at the
first in the life of the testa-
tor bin put in writing : if it
be not for lands not deuif-
able by custome.

423

Them.

THem, hoc est quod ha-
beatis totam generati-
onem Villanorum vestro-
rum cum eorum sectis &
catallis vbicunque in An-
glia fuerint inuenta, ex-
cepto quod si aliquis nati-
uus quietus per vnum an-
num & diem in aliqua vil-
la priuilegiata manserit,
ita qd in corū cōmuniā
vel geldā tanquā vnus il-
lorum repertus fuerit, eo
ipso a villenagio liberatus
est.

424

Theftbore.

THeftbore, est qnt home
priſt ascun biēs dun la-
tō de luy fauorer & main-

Them.

THem, that is, that you
shall haue all the gene-
rations of your Villaines
with their suites and cat-
tell wherefoeuer they shall
bee found in England, ex-
cept that if any bondman
shall remain quite one pere
and a day in any pziuised-
ged towne, so that hee shall
be receiued into their com-
munalty, or guild, as one
of them, by that meanes he
is deliuered from villenage

Theftbore.

THeftbore, is when a mā
taketh any goodes of a
theefe to fauour and main-
taine

take him: And not when
a man taketh his owne
goodes that were stolen
from him &c.

reiner: Et nemy quant
home prist ses biens de
mesme, q̄ fueront emblees
de luy &c.

The punishment in an-
cient time of Theftbote
was of life and member.
But now at this day M.
Stamford saith, it is pu-
nished by rancome and by
imprisonment. But en-
quire further, for I thinke
it be felonie.

Le punishment en an-
cient temps de Theft-
bote, suite de vie & de
member: Mes a ore Mast.
Stamford dit, que il est pu-
nish p rancome & empri-
sonment. Sed quare car
ico pense ceo este felonie:

425 Title.

Title, is where a lawfull
cause is come vpon a
man to haue a thing which
another hath, and he hath
no action for the same, as
title of Mortmaine, or to
enter for breach of condi-
tion.

426 Title de Entre.

Title de Entre, is when
one seised of land in fee
maketh a feoffment there-
of vpon condition, and the
condition is broken: Now
after the condition thus
broken, the feoffor hath ti-
tle to enter into the land,
and may so doe at his plea-
sure, and by his entrie the
feehold shall be said to bee
in him presently.

And it is called title of

Title.

Title, est lou loiall cause
est veigne a vn home
de autre chose que. autre
ad, & il nad ascun action
pur ceo, come title de
Mortmaine, ou de enter p
condition enfrein.

Title de Entre.

Title de Entre, est quant
vn seise de terre en fee
fait feoffement de ceo
sur condition, & le con-
dition est enfrein: Ore
apres le condition issint
enfrein, feoffour ad title
de entre en le terre & is-
sint poit quant a luy pleist,
& per son entrie le frank-
tenement serra dit en luy
maintenant.

Et est appel title de
Entre

A a 4

The Exposition of

Entre, par ceo que il ne
 poit auer brieſe de Droit
 enuers ſon ſeoffee ſur cō-
 dition, car ſon droit fuit
 hors de lāy per le ſeoffe-
 ment, le quel ne poit eſte
 redacé ſāns enſ. & le en-
 tre doit eſte pur le enſren-
 der de le condition.

427 Toll, ou Tolne.

Tolle ou Tolne, eſt plus
 properment vn pay-
 ment vſe en Cities, Villes,
 Markets, & Faires, pur bi-
 ens & chatrel port la de-
 ſire achate ou vende. Et
 eſt toutes dits deſire pay
 per le achator, & nemy
 per le vendour, ſinon que
 ſoit aſcun Custom al con-
 trarie.

Il y ad diuers auters
 Tolls, come Turne Toll,
 & ceo eſt loū toll eſt pay
 pur auers, queux ſount
 driues deſte vendus co-
 ment que ils ne ſont ven-
 dus.

Item Toll trauers, ceo
 eſt lou vn claime dauer
 yn ob. ou riel ſembla-
 ble Toll de cheſcun
 beaſt que eſt driue ſur ſon
 terre.

Through Toll, eſt lou
 vn Ville preſcribe de

Entre, becauſe that he can
 not haue a writ of Right
 againſt his ſeoffee vpon
 condition, for his right
 was out of him by the ſeoffe-
 ment, which cannot bee
 redounded without entry, &
 the entry muſt be for the
 breach of the condition.

Toll, ou Tolne.

Toll or Tolne, is moſt
 properly a payment vſe
 in Cities, Townes,
 Markets and Faires, for
 goods and cattels brought
 thither to bee bought and
 ſold. And is alwayes to
 be payed by the buyer and
 not by the ſeller, except
 there bee ſome cuſtome o-
 therwiſe.

There are diuers o-
 ther Tolls, as Turne
 Toll, and that is where
 Toll is payde for beaſtes
 that are dyinen to be ſolde,
 although that they bee not
 ſold indeed.

Alſo Toll trauers, that
 is where one claymeth to
 haue a halſepence, or ſuch
 like Toll of euery beaſt
 that is dyinen ouer his
 ground.

Through toll is where
 a Towne preſcribes to
 haue

haue Toll for euery beast
that goeth through their
Towne, a certaine, or for
euery horse or 100. a cer-
taine: which seemeth not
to bee so vnrasonable a
prescription or custome,
as some haue thought, al-
though it bee through the
Kings high way (as
they call it) where euery
man may lawfully goe, if
that there be one thing for
another: As if there be
a bridge, or such like com-
modities, prouided at the
costes and charges of the
Town, for the ease of tra-
uellers that vaine & way.
whereby their tourney is
eithers shortned or bette-
red, why then may not toll
bee lawfully, and with
good reason demanded of
them &c.

But diuers Citizens &
townes men are free from
paying Toll by graunt of
the King or his aunce-
stours, or doe claime the
same by prescription or cu-
stome. So also spirituall
persons and religious men
(as they call them) were
quit of paying Toll for
their goods and merchan-

auer Toll pur chesc' beast
que ale through leur vill,
vn certain, ou pur chescū
vient ou cent, vn certain:
que ne appiert destre cy
vnreasonable prescriptio
ou custome, come ascuns
ont suppose, nient ob-
stant il soit per le hault
chymin del roy (siccome ils
ceo appelle) lou ches-
cun poyt loyablement passe,
si y ad quid pro quo:
Come si la soit vn pont,
ou tiel semblable com-
moditie, puruey al costes
& charges del ville, pur
le ease de trauaylers que
chascun mesme voy, per que
leur iourney est ou a-
bridge ou fait le meliour,
pur que donques ne poit
Toll este demanda loyal-
ment & oue bone reason
de eux &c.

Mes diuers Citizens &
Burgesses sont quite de
payer Toll per le graunt
del Roy, ou ses aunce-
stours, ou claime ceo per
prescription ou custome.
Issint auxy espiituall per-
sons & religious homes
(come ils fuerōt appellez)
fueront quite de Toll pur
leur biens & merchan-
dises

The Exposition of

dises achate & vendus
&c. Mes a ore le Statute
del Roy H.8. añ 21. cap. 13.
voir, que ils ne marchan-
disera,

dises bought and sold &c.
But now the Statute of
King H.8. añ 21. cap. 13.
will, that they shall not
merchandise.

Item Tenants en sun-
cient demesne doient este
quite per tout le Realme
de payer toll, come ap-
piert deuant en le title
Sokemans. Et en toutes
ceux cases ou tolle est
demaunde ou il ne doyt
este pay de eux que doyer
aler achate & vende quite
de tolle, la le partie ou
parties greue poyent a-
uer vn briefe, De cessendi
quietu de tolonio, direct
a luy, ou ceux que issint
demaunde tolle contra al
graunt le Roy ou sa pro-
genitors, ou contra al cu-
stome ou prescription.

Also Tenaunt in suncien-
t demesne ought to bee
quit throughout the whole
Realme of paying toll, as
appeareth before in the ti-
tle Sokemans. And in
all these cases where toll is
demaunded where it ought
not to be paid of them that
should goe buy and sell toll
free, there the party or par-
ties grieved may haue a
writ, De cessendi quietum
de tolonio, directed to him,
or them that so demaunded
toll contrarie to the King
or his progenitors grant,
or contrarie to custome or
prescription.

428 Treason.

Treason, est e deux ma-
ners, cest a sauoir hault
treason, & petit treason,
come est ordeine per les
statutes. Et ideo vide Sta-
tuta, & Stamf. lib. I. cap. 2.

Treason.

Treason, is in two man-
ners, that is to say,
graund Treason, and petit
Treason, as it is ordeyned
by the statutes. And there-
fore looke the statutes, and
Stamf. lib. I. c. 2.

429 Treasure troue.

Treasure troue, est quat
ascun money, or, ar-
gent, plate, ou bolion, est

Treasure troue.

Treasure troue, is when
any money, golde, sil-
uer, plate, or bolion, is
found

found in any place, and no man knoweth to whom the proprietie is, then the property thereof belongeth to the King, and that is called Treasure trove, that is to say, Treasure found. But if any Mine of metal be found in any ground that alway pertayneth to the Lord of the soyle, except it be a mine of gold or silver, which shall be alway to the K. in whose ground soever they be found.

troué en aucun lieu, & nul conuist a que le proprietie est, donques le proprietie de ceo appartient al Roy, & ceo est dit Treasure trove. Mes si aucun Minéral de metall soit troué en aucun terre, ceo toutes foits pertient al Sefgnour de soile, forsque que il soit mineral de Or ou Argent, queux seront tous foits al Roy, en quecunque soyle que ils sont troués.

430 Shirifes Turne.

Shirifes Turne, is a court of Record in all things that pertain to the Turn. And it is the Kings Lett thorough all the Countie, and the Shirife is Judge. And whosoever hath a Lett, hath the same authority within the precinct, as the Sherife hath within the Turne.

Tourne del Vicont.

Tourne del Vicount, est vn court de Record en tous choses que pertaine al Tourne. Et est le Leete le Roy per tout le Countie, & le Vicont est Iudge. Et quecunq; ad vn Leete, ad mesme le autoritie deins le precinct, sicome le Vicount ad deins le Tourne.

V

431 Verderor.

Verderor, is an Officer in the Forrestes of the King, chosen by the Franks holders of the Countie, where the Forrest is, by a writ of the king, directed

V

Verderor.

Verderor, est vn Officier en les Forrestes del Roy, esliu per les frankenaunts del Countie, lou le Forrest est, par brieve del Roy, direct al

The Exposition of

al vicont de ceo faire, cōe
appiert per les lieures del
Register, & del Nature des
briefes, & sont appellees in
Latin *Viridary*, come sem-
ble de le parol *Viride*, que
est in Anglois *Greene*, en
Francoys *Verd*, car vn
grand part de lour office
est touchant le Verd, cest-
ascavoir, le bois & herbes
cressant en le Forest, pur
quel veies plus in le
Charter & leys del Forest

to the shertse to doe it, as it
appareth by the bookes of
the Register, and of the na-
ture of writs, & are called
in Latin *Viridarij*, as it se-
meth of the word *Viride*,
which is in English *greene*
in French *Verd*, for a great
part of their office is touch-
ing the Verd, to wit, the
wood and grasse growing
in the forest, for which is
moze in the Charter and
Lawes of the Forest,

432

View.

View, est quant ascun a-
ction real est port, & le
tenant ne scauoir bien q'l
terre il est que le deman-
dant demand, donques le
tenant priera le view, s.
que il poit veier le terre
que il claima. Mes si le re-
nant ad ew le view in vn
briefe, & puis le briefe est
abatus per misnosmer de
le ville, ou per iointure, &
puis le demandant porte
vn tiel brief vers le tenant
donques le tenant nauera
le view in le second bfe.

View.

View, is when an action
real is brought, & the te-
nant knoweth not wel what
land it is that the deman-
dant asketh, then the tenant
shall pray the view, that is
to say, that hee may see the
lande which hee claimeth.
But if the tenant hath had
the view in one writ, & af-
ter the writte is abated in
misnaming of the towne, or
by iointure, & after the
demandant bringeth an o-
ther writ against the tenant
then the tenant shall not
haue the view in the second
writ.

433 Vi

433 V
VI
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434
T

433 Vi Laica remouenda.

Vi Laica remouenda, is a writ, and it lyeth where debate is betwene two Parsons or prouisors for a Church, and one of them entred into the Church with great power of lay men, and holdeth the other out with force and armes, then he that is holden out shall haue this writ directed to the Sheriffe, that he remoue the power which is within the Church, and the Sheriffe shall be commanded, that if he find any men there withstanding, that the Sheriffe shall take with him the power of his Countie, if neede be, and that arrest the bodies of all them him resisting, & shall put them in prison, so that he haue their bodies before the King at a certaine day to answer to the contempt. And this writ is returnable, and it shall not be granted before that the Bishoppe of the place where such a Church is, hath certified in the Chancery such resisting and force.

434 Villenage.

To holde in pure Ville-

Vi Laica remouenda.

Vi Laica remouenda, est vn brieve, & gift lou debate est perenter deux Parsons ou prouisors dune Eglise, & lun enter en le Eglise oue grand power de lay homes, & tient l'auter dehors oue force & armes, donques celui que est tenuz dehors auera le dit brieve direct al Vicont, que il remoua cest power que est deins lesglise, & serra commande al Vicount, que sil troue aucun hoims luy resistant, que le Vicount prendra ouesque luy la poyar de son Countie, si besoigne soit, & serra attache p leur corps tous ceux luy resistant, & les mittera en prison, issint que il eyt leur corps deuant le Roy a certain iour de respoder del contempt. Et cest brieve est retournable, & ne serra graunt deuant que le Euesque del lieu lou tiel Eglise est, eyt certifie en le Chauncery tiel resistance & force.

Villenage.

Tener en pure Villenage,

The Exposition of

nage, est a faire tout ceo, que le Seignior luy voit commander. nage, is to doe all that, that the Lord will him command.

Le diuision de Villenage, est villein de sanke, & de tenure. Et il est villein de que son Seignior prent redemptio de sa fille marier, & soy mesme enfranchise, & le Seignior puit luy ouste de ses terres ou tenements a sa volunté, & auxy de tous ses biens & chateux.

Et nota bien, que Sokenest pas pure Villeine, ne villeine doit pas garde, mariage, ne reliefe, ne faire auters seruices reals.

Et nota bien, que tenuer en Villenage ne ferra nul franke home villeine, si ne soit continue ouster le temps de memorie, ne villein terre ne ferra franke home villeine, ne franke terf ne ferra villein frank, sinon que le tenant auoit continue frankmēt ouster le temps de memorie.

Mes vn Villeine ferra frank terre villein, per seisin, ou per claime de son Seignior.

The diuision of Villenage, is villein of blood, and of tenure. And he is a villein of whom the Lord taketh redemption to marrie his daughter, and to make him free, and it is he whom the Lord may put out of his lands or tenements at his will, and also of all his goods and cattell.

And note well, that a Sokenest is no pure villeine, nor a villeine oweth not ward, marriage nor reliefe, nor to doe any other seruices reals.

And note well, that the tenure in villenage shall make no free man villeine, if it be not continued euersith time out of minde: nor villeine lande shall make no free man villeine, nor free land shall make no villeine free, except that the tenant haue continued free beyond the time of memorie.

But a Villeine shall make free land villeine, by seisin, or by claime of the Lord.

And

And note well, that if a villeine purchase certayne land, and take a wife and alien, and dyeth before the claim of seisin of the Lord, the wife shall be endowed.

And note well, that in case that the Lord bring a Precipe quod reddat against the alienee of his villein, which voucheth to warrant the issue of his villein which is villein to the land, he shall have the voucher. And by protestation the Lord may (notwithstanding that he plede with his villeine) saue that his villeine shall not be enfranchised.

And note well, that a Bastard shall neuer bee iudged villeine, but by knowledge in Court of record.

And note well, that if debt be due by a Lord to a freeman, and he maketh two men his executors, the which bee villeines to the said Lord, and dyeth, the villeines shall have an action of Det against their Lord. And notwithstanding that hee pleade with them, and if hee make pro-

Et nota bien, que si villein purchase certain terre, & prent feme & alien, & deuie deuant le clameur ou seisin de son Seignior, la feme serra endowe.

Et nota bien, que en case que le Seignior port Precipe quod reddat enuers le alienee son villein, le quel vouch a garantir le issue de le villein que est villein al Sfr, il auera le voucher. Et per protestation le Seignior poit (non obstant que il plede oue son villein) saue que son villeine ne serra my enfranchise.

Et nota bien, que Bastard ne sera iamais ad iudge villein, sinon per conusans en court de record.

Et nota bien, que si det soit due per vn Seignior a vn frank home, & il face deux homes ses executors, les queux sont villeines al dit Seignior & deuie, les villeines aueront action de Dette enuers leur Seignior. Et notwithstanding que il plede ouesque eux, & il face protesta-

The Exposition of

testation, ils ne serrōt pur tant enfranchise, par ceo que ils sont a recouer le dette auantdit al vſe de vn auter person, cest alcauoir, al vſe leur testator, & nient a leur vſe demefne.

Et si le tenaunt en dower eyt vn Villein, le quel purchase certain terre en fee, & puis le tenaunt en dower enter, el auera le fere a luy & a ses heires a tous iours. Et mesme le ley est de tenaunt a terme de ans de vn villeine.

Et nota bien, que le Sür poit robbe, nauſrer, & chastiser son villein a son volunt: ſalue q il ne poyt luy mame, car donques il auera appeal de Maihem enuers luy.

Et nota bien, que vn villein poit au trois actions enuers son Seignior, cest alcauoir, vn appeal de mort son ancestor, vn appeal de rape fait a la fem, & vn appeal de Mame.

Et nota bié, si deux parceners port brieſe de Niefie, lun de eux soit nonſuit, le nonſuit de luy serra adiudge le nonſuit

testation, they ſhall not bee thereby enfranchiſed, for they be to recouer the debt aforesaid to the ble of another person, that is to ſay, to the ble of their testator, and not to their owne ble.

And if the tenant in dower haue a villeine which purchaseth certaine land in fee, and after the tenant in dower entreteth, ſhe ſhall haue the land to her and to her heyyes for euermore. And the ſame Lawe is of tenant for terme of yeares of a villein.

And note well, that the Lord may robbe, beat, and chaſtiſe his villeine at his wil: ſane only that he may not mame him, for then he ſhall haue an appeal of mame againſt him.

And note wel, that a villeine may haue thre actions againſt his Lord, that is to ſay, an appeal of the death of his aunceſtor, an appeal of rape done to his wiſe, & an appeal of maim.

And note well, if two parceners bring a ſuyt of Niefie, and one of them be nonſuit, the nonſuit of him ſhall be iudged the nonſuit of

of them both, so that if that
non suite bee after appea-
rance, they shall be barred
from that action for ever,
for the Law is such in fa-
uour of libertie.

And note well, if two
haue a villeine in common,
e one of them make to him
a manumission, he shall not
be made free against both.

And note well, that in a
writ de Natiuo habendo,
it behoneth that the Lord
shewe how the defendaunt
commeth to be priue of the
blood of the villeine of who
he is Lord &c. And if hee
nor none of his auncestors
were not seized of none of
his blood, he shall not win
by his action, if the villeine
haue not knowledged in
Court of Record himselfe
to be his villeine.

And note well, that in a
writ of Niefie may not
be put moze Niefes then
two onely, and this was
first brought in the hatred
of bondage. But in a writ
de Libertate probanda, may
be put as many niefes as
the plaintife will.

And note well, that if
the villeine of a Lord bee

de ambideux, issint que si
le non suit soit apres ap-
pearance, ils serrot barred
de cest actiō a tous iours,
car la ley est tiel in fauo-
rem libertatis.

Et nota biē, si deux ont
vn villein en commun, &
lun de eux fait a luy ma-
numissio, il ne serā my en-
franchise enūs ambideux.

Et nota bien, q en bñe
de Natiuo habendo, il co-
uient que le Seignr mon-
stre coment le def. auceign
priue de sanke a celuy vil-
lein de que il est Seignior
&c. Et si il ne nul de ses
ancestors ne soit seise de
nul de son sank, il ne gai-
nera p son action, si le vil-
leine nad pas conus en
Court de Record luy estre
son villein.

Et nota bien, que en vn
briefe de Niefie ne pur-
ront estre mis plusors niefes
que deux tantselement, &
hoc introductū fuit prius
in odium seruitutis. Mes
en bñe de Libertate pro-
banda, purront estre mis
tants niefes come le plain-
tife voudra.

Et nota bien, que si le
villeine de Seignior soit
B b sue

The exposition of

fue en auncient demefne
del Roy, ou aucter ville pri-
uiledge, deins lan & iour
le Seignior poit luy fey-
fer, & fil demurt en la dit
ville ou lieu franchise per
vn an & vn iour fauns le
leisin de son Sñr, il nad
noy power de luy seifer
ups, si il ne va dehors le
fuilidit franchise.

Et ascuns sont villeines
per title de Prescription,
ceftascavoir, que tout lour
lanke ont este villeins re-
gardants a le manor dun
Seignior de temps dont
memory ne court.

Et ascuns sont sayt vil-
leins p lour confession en
vn Court de Record. Auxy
le Sñr poit fait vn manu-
mission a son villein & luy
infranch: a tous iours.

Auxy si le villeine port
ascun action vers son Sñr,
si ne soit appeal de mai-
him, & le Sñr a ceo fauns
protestation fait respons,
donques per ceo le villein
est franchises.

Auxy si vn villeine pur-
chafe terre, & ad biens &
vend les tres & biens de-
uant ascun entre ou leisin

sted in auncient demefne of
the King, or other Tosome
priviledged, within a yere
and a day the Lord may
seise him, and if hee dwell
in the same tosome or other
place franchised by a yere
and a day, without leisin
of the Lord, he hath no po-
wer to seise him after, if he
goe not out of the tosome
franchise.

And some be villeins by
title of Prescription, that
is to say, that all their blood
have bene villeines re-
gardants to the manor of
the Lord from time out of
mind.

And some be made vil-
leins by their confession in
a court of record. Also the
Lord may make a manu-
mission to his villeine, and
make him free for ever.

Also if the villeine bring
any action against his lord
if it be not appeal of mai-
hem, & the Lord without
protestation make answer
unto it, then by this the vil-
lein is made free.

Also if a villein purchaf
land, and hath goods, and
sell the goods and landes
before any entry of leisin
made

made by the Lord, the sale is good. But the King in such case may enter and lease the land after such sale made, for no time runneth against the King.

437 Viscount.

Viscount, is eyther the name of one degree of State of honour under an Earle, & aboue a Baron, or else the name of a Magistrate & officer of great authority, whom for commonly call (Shirife) or to speake moze truly (Shire-rene) and was at the first called (Shire-gerene) that is to say, the keeper of the Shire, or the Reue or Ruler of the Shire, for (Gerene) being deriued of the Saxon word (Geretan) to rule, was first called (Geretfa) and then (Gerefa) which betokeneth a Ruler.

And hereof cometh (Portreue, or Portgreue) a name that in olde time was given to the head Officer of a Towne, and signifieth the Ruler of the Towne, for that (Port) meaning of the Latine

fait per le Seignieur, la vend est bon, mes le Roy que est Seignieur de vilaine en tiel case poit ent & seiser le terre apres tiel vendic fait, Quia nullum tempus occurrit Regi,

Viscount.

Viscount, est ou le noſm de vn degre ou ſtat de honor ſoubz vn Comtee, & paramount vn Baron, ou le noſm de vn Magiſtrat & officer de grand authority q nous communement appellomus (Shirife) ou de parlet plus vrayment (Shire-reue) & ſuit al primes appel (ſhires-gerene) ceſt adire Cuſtos comitatus, ou le Reue ou Ruler del Countie, car (Gerene) eſteant deriue de Saxon pol (Geretan) pur rule, ſuit al primes appel (Geretfa) & donques (Gerefa) que betoken vn Ruler.

Et de ceo vient (Portreue, ou Portgreue) vn noſme que en viel temps ſuit dorie al chief officer dun ville, & ſignifie le gouernor del ville, pur ce que (Port) veniens de le Latine

The exposition of

parol (Portus) signifie vn
port ville, & (Gerene) este-
ant derme come est auste
dit signifie vn Ruler, issint
que Portgerene, ou come
nous a ore briefeint parle
ceo (Portreue) est le go-
uerner del ville.

heissint fait le chief of-
ficer ou gouverner del citie
de Londres longe temps
passi (deuant que ils ad le
notme del Maior ou Bay-
liffes) appel, come il ap-
piert en diuers vieulx Mo-
noimentz. Mes principal-
ment en la Saxon Charter
de Guilliam Bastard le
Conquerour, que issint
cousumece :

William le King greit
William Bisceop, & God-
frey Ges port Gerefant,
and dalle tha Burwarren
the on London beon &c.

Issint ils de Germanie
(de que nous & nostre
language ensemble psi-
merment vient) appel en-
ter eux vn gouvernor Bur-
greeue; vn auter Mar-
greeue, & vn auter Land-
greeue, oue tielx sembla-
bles &c.

Cest tant est dit tant
solaunt p monstre le droiz

word (Portus) significeth a
port towne, and (Gerene)
being deriued as is afoze-
said significeth a Ruler, so
that Portgerene, or as we
now better speak a (Port-
trent) is the Ruler of the
Towne.

And this was the head
Officer, or Governour of
the Citie of London long
since (before they had the
name of Mayor, or Bay-
liffes) called, as it doth ap-
peare in diuers old mani-
ments. But chiefly in the
Saxon Charter of Will-
iam Bastard the Con-
querour, which thus be-
ginneeth:

William the King greit-
eth William the Bishop,
& Godfrey the Porttrent,
and also the Citizens that
in London be &c.

So also they of Ger-
manie (from whom we
and our language toge-
ther first came) call a-
mong them one gover-
nour Burgreue, another
Margreue, and another
Landgreue, both such
like &c.

Thus much is said
only to shew the right
Etymon

Exymon and antiquitie of
the word (Sheriffe) to
which officer our common
Law hath alwaies accor-
dingly given great trust &
authoritie, as to be a special
preserver of the peace. And
therfore all obligations that
taketh to the same end, are
as recognisances in law.

There also is a Judge of
record when hee holds the
Records of Curtes which
are Courts of Record.
Also he hath the execu-
tion and returne of writtes,
& impanelling of Jurors,
and such like.

Volunt.

Volunt, is when the te-
nant holdeth at the will
of the lessor, or of the lord,
and that is in two maners.

One is, when I make
a lease to a man of landes,
to hold at my will, then I
may put him out at my
pleasure: But if hee take
the ground, and I put him
out, then he shall have his
cove, and going out and
coming in til they be ripe
to cut and carry out of the
ground.

Exymon & antiquitie de
parol (Sheriffe) a quel offi-
cer nostre common Ley
ad toutes foits accordant
done grand confidence
& autoritie, come destre
vn speciall preserver del
peace. Et par ceo toutes
obligations que il prist a
in le purpose, sont come
Recognisances in ley.

Il auxy est vn iudge de
record q'il tier les leets
ou curtes, les queux sont
cours de record.

Item il ad le execution
& retourne des briefes, &
impanelling des juries,
& tiels semblables.

Volunt.

Volunt, est quant le te-
nant yent a la volunt
del lessour, ou del Soigni-
or, & ceo est in deux ma-
ners.

Vn est, quant ieo face
lease a vn home de terres,
a tener a ma volunt, don-
ques ieo puisse luy ouster
emblee la terre, & ieo luy
ousta, donques il auera son
cove, & egressio & regressio
quelques ilz sont
mesure p'eux scier & car-
rier hors del terre.

The Exposition of

Et tel tenant a volunt And such tenant at will
 nest pas tenu de sustainer is not bound to sustain and
 & repaier le meison si repaire the house as a ten-
 come ternaunt a terme de nant for terme of years
 ans est tenu: Mes si il fait is bound: but if hee make
 voluntary wast, le lessour wilfull wast, the lessor shall
 auera vers luy vn action haue against him an action
 de Trespas. of Trespas.

Auxy la est auter tenat Also there is an other
 a volunt del Seignieur tenant at will of the Lord
 per Copie de Court rolle by copie of Court Rolle
 selonque le custome del according to the custome
 manor: Et tel tenant poit of the Manor: And such a
 surrender le terre in les tenaunt may surrender the
 maines le Seignieur per lands into the hands of
 le custome al vie vn auter lord by custome to the life
 pur terme de vie, ou in of another for terme of life,
 fee simple, ou fee taile, & or in fee simple, or in taile,
 donques il prendra le ter- and then he shall take the
 re del Seignieur, ou son Lande of the Lord, or his
 Seneschall per copie, & Steward by copie, and
 ferra fine al Seignieur. shall make fine to the lord:
 Mes si le Seignieur oulta But if the Lord put out
 tel tenant, il nad remedy such a tenant, hee hath no
 mes de suer per petition, remedie but to sue by peti-
 & si tel tenant voile im- tion, & if such a tenant will
 plede vn auter des terres impleade an other of the
 &c. il couient enter vn landes &c. hee ought to en-
 plain in le court, & coun- ter a plaint in the court, &
 tera in le nature de quel shall declare in the nature
 bre il voit, sicome le case of what sort hee will, as
 gist. the case is.

437 Voucher.

Voucher.

Voucher, est quant vn Voucher, is when a Pra-
 Præcipe quod reddat cipe quod reddat of
 de terre est port vers vn lande is brought against a
 man,

man, and another ought to warrant the land to the tenant, then the tenant shall vouch him to warranty, & thereupon hee shall haue a writ called Summoneas ad warrantizandum: And if the Sheriffe retourne that hee hath nothing by the which hee may be summoned, the there shall go forth a writ called Sequatur sub suo periculo, & when he cometh hee shall pleade with the demandant, & if he come not, or if hee come and can not bar the demandant, then the demandant shall recouer the land against the tenant, and the tenant shall recouer as much land in value against the vouchee, and thereupon hee shall haue a writ called Capias ad valentiam against the vouchee.

Take more of voucher before in the title **Garran-** **Vide pluis de Voucher**
ty. **deuant titulo Garran-**

438

Vies.

VSes of land had beginning after that the custom of property began among men: As where one being seiled of landen in fee simple, made a feoffment to another without

Vies.

VSes de terre ad son commencement apres que le custom de property commence entre homes: Cōe ou vn escient seise de terres en fee simple, fait vn

Bb 4

alcum

The Exposition of

aucun consideration, mes any consideration, but only
 solement meaning que le meaning that the other
 auter serroit seisie al son should be seised to his use,
 vie, & que il mesme voile & that hee himselfe would
 prendre le commoditie & take the commoditie & pro-
 profits de les terres, & que fits of the lands, and that
 le feoffee doit auer le pos- the feoffee should haue the
 session & franktenement possession and franktene-
 de ceo al mesm le vie &c. ment thereof to the same
 use &c.

Ore apres ceo, sur bone Now after this, upon
 considerations, & pur a good considerations, and
 uoider diuers mischieses to auoid diuers mischieses
 & inconueniences, fuit le and inconueniences, was
 Statute de An 27. H. 8. ca. the Stat. of an 27. H. 8. ca.
 10. puruiew quel vniter le 10. puruiew, which uni-
 use & possession ensemble, teth the use & possession to-
 issint que il que ad le use gerher, so that who hath
 de terre, il mesme ad le use of the lands, the same
 possession de ceo, accor- hath the possession thereof,
 dant al use que il auoit en according to the use hee
 ceo per vertue de cest e- hath therein by vertue of
 statute. that estatute.

439

Usury.

Usury.

USury, est vn gain de af-
 cu chose ouster le prin-
 cipal ou ceo que fuit lent,
 exact solement en confi-
 deration de le loan, soy il
 de Corne, Viande, Appa-
 rell, Wares, ou tielx sem-
 blables, come de money,

USury, is a gain of any
 thing aboue the princi-
 pal, or that which was
 lent, exacted onely in confi-
 deration of the loan, wher-
 ther it be of Corne, Wheat,
 Apparell, wares, or such
 like, as of money.

Et icy mult poyt e- And here much might
 estre dit, & diuers cases be saide, and many cases
 might

might bee put concerning poyent estre mys concer-
 tury, which of purpose nants Usurie, le quel de
 I'ome, onely I wissh, purpose ieo omit, solemēt
 that they who accompt ieo pria, que ceux que ac-
 themselves religious and compt eux mesmes religi-
 good Christians, would ous & bone Christians ne
 not deceine themselves by voylent deceine eux mes-
 colour of the Statute of mes per colour de le Sta-
 tury, because the Statute tute de Usury, par ceo que
 sayeth that it shall not bee le Statute dit, que il ne
 lawfull for any to take a serra loyall pur aucun de
 honer x.li. in the C.li. for prendre ouster x. li. en le
 a yeare &c. wherby they C.li. pur vn an &c. per que
 gather (although falsly,) ils collect (mes fausement)
 that they may therfore que ils poyent per ceo
 take x. pound for the loan prendre x. li. pur le loan
 of an C. pound with a good dun C. li. oue vn bon con-
 conscience, because the sta- science, pur ceo que le sta-
 tute doeth after a loze dis- tute solonque vn maner
 pence withall (for that it dispence que ceo, (pur
 doeth not punish such ta- ceo que il ne punisse ry-
 king,) which thing it can elx prendon) quel chose il
 not do with the lawes and ne poit faire oue les ley-
 Dominances of God, for & ordinances de Dieu, car
 God will haue his decrees Dieu voyle auer ses de-
 to bee kept inviolable, crees obserue inviolable,
 who sayeth, Lend, looking que dit, Lend, expectans
 for nothing thereby &c. pur nul chose pur ceo &c.
 By which wordes is ex- Per queux parolx est ex-
 cluded, eyther the taking clude, le prisel de x. li.
 of x. l. yea, or one peny v. li. ou de vn denier
 above the principall. But ouster le principall. Mes
 rather let such think, that plus pensant tiels que cest
 that Statute was made Statute fait fait sur tiel
 upon like cause, that mo- semble cause, que mona-
 res Moyses to giue a bill Moyses de doner vn Bill
 do

The Exposition of

de divorce a les Israelites, come noisment, pur avoier vn greinder mischief, & pur le durice de leur cœurs.

of divorce to the Israelites, as namely to avoide a greater mischief, and for the hardnesse of their hearts.

440 **Vlary.**

Vlary, est quant vn Exigent iustit vers aucun hom de appaerer en ascū Court de laire respons al aucun action ou indictment, & proclamation fait en v. Countie, donques a le v. countie si le defendant ne appaere, donques le Coroner donera iudgement que il sera hors de protection de Roy, & hors del eyde de lecy.

Vlarye.

Vlary, is when an Exigent goeth forth against any man, to appeare in any Court to make answers to any action or indictment, and proclamation made in fine Countie, then at the sise Countie if the defendat appeare not, then the Coroner shall give iudgement that hee shall be out of the protection of the King, and out of the ayde of the laie.

Et per tiel vlary en actions personals le partie vilage forfeitera toutes ses biens & chateux al Roy.

And by such an vlarye in actions personals the party outlawed shall forfeit all his goods and catells to the King.

Et per vlary en felonie il forfeitera auxybn toutes ses tres & tenemens que il ad en fee simple, ou pur terme de la vie, come les biens & chateux.

And by an vlary in felony hee shall forfeit aswell all his landes & tenements that hee hath in fee simple, or for terme of his life, as his goods and catells.

Auxy melque yn home soit en la suite del proces, le partie de ces auera la

Also though a man bee outlawed, yet if any other or discontinuance bee in the suite of the proces, the partie thereof shall have

advantage, & for such cause the writ shall be reversed & annulled.

And if the party defende be over the sea at the time of the writ pronounced, that is a good cause of the reversal of the writ.

Also if an Exigent be awarded against a man in one county where he dwelleth not, yet an Exigent such proclamation shall go forth to the County where he dwelleth, or else if he be thereupon outlawed, the writ may be reversed, as it appeareth by the statute made the 6. & 4. year of R. 2. cap. 4.

And if a man be outlawed in an action personall at the suit of another, & after he purchase his Charter of pardon of the King, such Charter shall never be allowed, till he hath sued a writ of Scire fac' to have the party plaintive, & if hee appeare, then the del. shall answer him, & barre him of his action; or else to make agreement with him.

Verum.

Verum, is a writ, and it lyeth when the right of

advantage, & pur tiel cause l'advantage serra reverse & annulle.

Auxy si le party defende soit ouster la mere al tēps del vilagary pronounce, ceo est bon cause d' refusal de vilary.

Auxy si vn Exigent soit agarde vers vn home en vn Counry lou il ne demurra pas, vncore vn Exigent oue proclamation iserra al Counry lou il demurra, ou autrement sil soit sur ceo vilage, vilagary poit este reverse, come appiert per lestatute faite Anno 6. & 4. H. 8. cap. 4.

Auxy si vn soit vilage in action parsonal al suit d' aut, & puis il purchase son charter de pardon de roy, tiel chart ne serra iamais allowe, ranque il ad sue vn brieve de Scire facias de garu le party pl, & si il appeare, donques le defende, respondet a luy & luy barre de sa action, ou autrement de faire agreement ouesque luy.

Verum.

Verum, est vn brieve, & gist quant le droit de

ascum

The Exposition of

alcun Eglise est aliene & tenu en lay fee, ou translate en possession d'auter Eglise, & le alienour de lui, donques son successor auera le dit briefe, per que vn chquest serf charge de trier vtrum sit libera ecclesie vel laicu feodum.

Et nota, que nul que ad couent ou common seale, poit maintenir cest bre, mes briefe de Entre fine assensu Capituli de alienation fait per son predecessour.

any Church is aliened and holden in lay fee, or translated into the possession of any other Church, and the alienour dyeth, then his successor shall haue the said writ, whereby an enquiry shall bee charged to trye whether it be a free almes of the Church or lay fee.

And note well, that none that hath couent or common seale, may maintaine this writ, but a writ of Entre fine assensu Capituli of the alienation made by his predecessor.

W

W

442

Waife.

Waife.

Waife, est quant vn lay son ad feloniously emblee biens, & esteant neerement pursue oue huc & erie, ou autrement sur charge oue le burden ou trouble des biens, par son case & plus speedie tra- uaise, fauns huc & erie, sua & volua les biens ou assensu part de eux ar- rere lui &c. donques le officer del Roy, ou le Reeue ou Baylife al Seig- neur del manoir (dans que iurisdiction ou cir-

Waife, is when a theefe hath feloniously stol- len goods, and being nere- ly followed with huc and erie, or else ouercharged with the burden or trou- ble of the goods, for his ease sake and more speedie tra- uailing, without hac and erie, apoth away and leaue the goods or any part of them behinde him, then the W. Officer, or the Reeue or Baylife of the Lord of the manor (within whose iurisdiction or cir-

cuit

cuit they suere left) that by prescription, or graunt from the King hath the fraunchise of waife, may seile the goods so waigned to their Lordes vs, who may keepe them as his owne proper goods, except that the owner come with fresh suit after the felon, and sue an appeal, or giue in euidence against him at his arraignment vpon the indictment, and hee attainted thereof &c. In which cases the first owner shall haue restitution of his goods so stolen and waigned.

But although, as hath bene saide, Waife is properly of goods stolen, yet waife may bee also the goods that are not stolen: As if a man bee pursued with hue and cry, as a felon, and hee flyeth, and lea- neth his owne goods &c. these shalbe taken as goods waigned, and forfeit as if they had bene stolen.

443 **Waife.** **Waife**, is a woman that is outlawed, & hee is called waife, as left out or forsaken of the Law, and

cuit ils fueront waife) que per prescription, ou grant de Roy ad le fraunchise de waife, poient seifier les biens issint waife al vs de leur Seigniors, que poient retenir eux come les propres biens, sinon que le owner vient ouesque fresh suit apres le felon, & sue vn appeal, ou done en euidence enuers luy al son arraignment sur le indictment, & il attain de &c. En queux cas le primer owner auera restitution de ses biens issint emblee & waife.

Mes nient obstant cœ ad este dit, waife est proprement de biens emblees, vncor waife poit este auxy de biens nient emblees: Come si vn hom soit pursue ouesq; hue & cry, com vn felon, & il sue & relinquish ses biens demesne &c. ceux serra prise come biens waife, & forsaie cœ s'ils ad este emblees.

Waife. **Waife**, est vn feme que est vllage, & el est appelle Waife, quasi relicta à lege, & nemy

The Exposition of

nemy vilage come home not an outlaw as a man
est : Car femmes ne sont : For women are not
lures en Lectes al Roy, swozne in Lecton to the
me al Ley, come homes King, nor to the Law, as
sont, queux pur ceo sont men are, who theretore
deins le Ley, lou femmes ne are within the law, wher-
sont, & pur cest cause ils as women are not, and for
ne poyent estre dit vilage, that cause they cannot be
entaunt que ils ne vngs said outlawed, inso much
fueront deins ceo. as they neuer were with-
in it.

Mes vn homi est dit vt-
lage, pur ceo que il fuit vn
foits iure a le Ley : Et a
ore pur cōtempt il est mis
hors del Ley, & dictus vt-
lagatus, quasi extra legem
positus.

Warwit.

WArwit, (ou Wardwit
come ascūs copies ad
ceo) hoc est quietum esse
de denarijs dandis pro
wardis faciendis.

441 Wast.

Wast, est lou renaunt
a terme dans, tenāt a
terme de vie, ou tenaunt
pur terme dauter vie, te-
naunt en Dower, ou te-
naunt per le Curtesie, ou
Gardeine en Chivalrie
fait Wast ou destruction
sur la terre, cestalca-
voir, sil debrula meason,
pu coupe metisme, ou enttey dehoue tumber, or

But a man is called be-
laid, because that hee was
once swozne to the Law :
And now for contēpt he is
put out of the law, & is cal-
led belaid, as one shold say
without benefit of the law.

Warwit.

WArwit, (or Wardwit
as some copies have it)
that is to be quit of giving
of money for keeping of
wardes.

Wast.

Wast, is where tenaunt
for terme of yeares, te-
nant for terme of life, or
tenant for terme of ano-
thers life, tenant in dower,
or tenant by the curtesie, or
gardein in chivalrie doth
make wast or destruction
vpon the land, that is to say,
pulleth down the house, or
enttey dehoue tumber, or

fallereth the house falling
to fall, or diggeth the
ground, then hee in the re-
uerſion ſhall haue one waite
for that waite, & ſhal recover
the place where the waite
is done, & treble damages.
And if a man cutt downe
timber without licence, &
therewith repayeth albe
houſes, yet that is no waite.
But if he with the timber
build a newe houſe, then the
cutting downe of ſuch tim-
ber is waite. Also cutting
downe of underwood, or
ſallowes, which is no tim-
ber, ſhall not be ſaid waite,
but if they growe in ſight
or ſhadowe of the houſe.

ſuffer le meſon voluntary
pur eſchier, ou foder la terre,
donques ceſty en le reuer-
ſion auera vn breſ pur ceſt
waite, & recouera le lieu ou
le waite ſuit fair, & treble
damages. Et ſi home
coupe merſme ſauns li-
cence, & oueſque ceo re-
paire les ancient meſons
vncore ceo neſt pas waite.
Mes ſi il oueſq; le merſme
edifia vn nouell meſon
donques le couper de tiel
merſme eſt waite. Auxy le
couper de ſubbois ou wil-
lowes q neſt pas merſme,
ne ſerf dit waite, ſinon que
creſſot en le view ou ſcure
del meſon.

446 Wrecke.

Wrecke, or Varech, as
the Normans, from
whom it came, call it, is
where a ſhippe is periſhed
on the Sea, and no man
eſcapeth aliue out of the
ſame, and the ſhip, or part
of the ſhippe ſo periſhed,
or the goods of the ſhip
come to the land of any
Lord, the Lord ſhall haue
that as a Wrecke of the
Sea. But if a man, or a
dogge, or a cat, eſcape aliue

Wrecke.

Wreck, ou Varech, come
les Normans, de que
il vient, appellont ceo, est
quand vn nefe est peris
sur le mere, & nul home
eſcape viue hors del nefe,
& le nefe, ou part del
nefe iſſint peris, ou les
biens del nefe vient al
terre d'aucun Seignieur, le
Seignieur les auera come
vn wreck de le Mere. Mes
ſi vn home, ou vn chien,
ou eſtars, eſcape viue,
iſſint

The Exposition of

issint que le party a q les so that the partie to whom
biens sont veign deins lan the goods belong come
& iour, & proue les biens within a years and a day,
destre les, il auera eux ar- and proue the goods to be
rere, per prouision del sta- his, he shall haue them a-
ture de West. 1. c. 4. fait en gaine, by prouision of the
les iours del Roy E. 1. que statute of Westm. 1. cap. 4.
en ceo followed le decree made in King E. 1. Dapen,
de Henry le 1. deuant que John thereto followed the
iours si vn niese ad estre decres of Henry the 1. he-
iect sur le shore, torn oue soze whole dapen, if a ship
tempest, & nemy repaire had bin cast on shore, towe
p eux que escapont, en vic with tempest, & were not
deins vn certaine temps, repoyed by such an esca-
que doques ceo fuit prise ped alime within a certain
come Wrecke. time, that then this was
taken for wrecke.

447 Withernam.

Withernam, Vide de c'
deuant tif Distresse.

Withernam.

Withernam, Looke ther-
foze in the title Di-
stresse.

448 Warren.

Warren est vn lieu pri-
uiledged p prescrip-
tion ou graunt del Roy p
le preservation del Leue-
rars, Cunicles, Perdices
& Phelans, ou aucun de
eux.

Warren.

Warren, is a place pri-
uiledged by prescrip-
tion or graunt of the King
for the preservation of
Hares, Conies, Partrid-
ges, and Phelants, or any
of them.

FINIS

Ex. J. M.
4/2/1702

John
come
a day
to be
new
of the
cap.
saves
ed the
i. be
a ship
to me
re not
esca-
rtains
a was
there
le Dr
e pat
scrip-
king
on of
trib-
any
ant
dile
to
the
the
the
the

Handwritten text, likely a list or ledger, with several lines of cursive script. The text is heavily faded and difficult to decipher, but appears to contain names and possibly dates or numerical entries. Some legible fragments include "John", "come", "a day", "to be", "new", "of the", "cap.", "saves", "ed the", "i. be", "a ship", "to me", "re not", "esca-", "rtains", "a was", "there", "le Dr", "e pat", "scrip-", "king", "on of", "trib-", "any", "ant", "dile", "to", "the", "the", "the", "the".